

Clara C. White to be postmaster at Megargel, Tex., in place of C. C. White. Incumbent's commission expires May 26, 1928.

Dunn R. Emerson to be postmaster at Marlin, Tex., in place of D. R. Emerson. Incumbent's commission expires May 26, 1928.

Robert W. Bourland to be postmaster at Marathon, Tex., in place of R. W. Bourland. Incumbent's commission expires May 14, 1928.

George F. Bates to be postmaster at Lyons, Tex., in place of G. F. Bates. Incumbent's commission expires May 26, 1928.

Thomas C. Hood to be postmaster at Lyford, Tex., in place of T. C. Hood. Incumbent's commission expires May 14, 1928.

Mike O. Sharp to be postmaster at Denison, Tex., in place of M. O. Sharp. Incumbent's commission expires May 26, 1928.

Charles F. Palm to be postmaster at Carrizo Springs, Tex., in place of C. F. Palm. Incumbent's commission expires May 14, 1928.

#### UTAH

Harris B. Simonsen to be postmaster at Helper, Utah, in place of Eugene Chatlin, resigned.

Charles Boyer to be postmaster at Springville, Utah, in place of T. H. Latimer, jr. Incumbent's commission expired December 18, 1927.

#### VERMONT

Reginald W. Buzzell to be postmaster at Newport, Vt., in place of R. W. Buzzell. Incumbent's commission expires May 19, 1928.

#### VIRGINIA

William B. Perkins to be postmaster at Trout Dale, Va., in place of W. H. Hash, deceased.

Guthrie R. Dunton, jr., to be postmaster at White Stone, Va., in place of G. R. Dunton, jr. Incumbent's commission expired April 8, 1928.

James O. Dameron to be postmaster at Weems, Va., in place of J. O. Dameron. Incumbent's commission expired April 8, 1928.

Herbert C. Bolton to be postmaster at St. Paul, Va., in place of H. C. Bolton. Incumbent's commission expires May 22, 1928.

John J. Ward to be postmaster at Nassawadox, Va., in place of J. J. Ward. Incumbent's commission expires May 19, 1928.

Frank G. Jones to be postmaster at Montvale, Va., in place of F. G. Jones. Incumbent's commission expires May 19, 1928.

Nannie L. Curtis to be postmaster at Leehall, Va., in place of N. L. Curtis. Incumbent's commission expires May 19, 1928.

Bernard Willing to be postmaster at Irvington, Va., in place of Bernard Willing. Incumbent's commission expired April 8, 1928.

Thomas T. Weddle to be postmaster at Floyd, Va., in place of T. T. Weddle. Incumbent's commission expires May 19, 1928.

Ray L. Barlow to be postmaster at Buckner, Va., in place of R. L. Barlow. Incumbent's commission expires May 19, 1928.

#### WASHINGTON

William G. Meneice to be postmaster at Carson, Wash., in place of W. G. Meneice. Incumbent's commission expires May 14, 1928.

#### WEST VIRGINIA

Norvell H. Burruss to be postmaster at Spring Hill, W. Va., in place of B. N. Burruss, deceased.

Gertrude Smith to be postmaster at Oak Hill, W. Va., in place of Gertrude Smith. Incumbent's commission expires May 14, 1928.

Alphonse Leuthardt to be postmaster at Grafton, W. Va., in place of Alphonse Leuthardt. Incumbent's commission expired May 3, 1928.

Aileen J. Calfee to be postmaster at Eckman, W. Va., in place of A. J. Calfee. Incumbent's commission expires May 14, 1928.

Lawrence Barrackman to be postmaster at Barrackville, W. Va., in place of Lawrence Barrackman. Incumbent's commission expires May 14, 1928.

#### WISCONSIN

Charles E. Sage to be postmaster at Wild Rose, Wis., in place of C. A. Smart, deceased.

Earl H. Herbert to be postmaster at Coleman, Wis., in place of A. B. Van Vonderen, deceased.

Fred J. Scheinpflug to be postmaster at Boscobel, Wis., in place of L. K. Austin, resigned.

Charles L. Calkins to be postmaster at Rhinelander, Wis., in place of C. L. Calkins. Incumbent's commission expires May 12, 1928.

Richard A. Goodell to be postmaster at Platteville, Wis., in place of R. I. Dugdale. Incumbent's commission expired January 7, 1928.

John A. Dickerson to be postmaster at Edgerton, Wis., in place of D. C. Gile. Incumbent's commission expired February 15, 1928.

#### WYOMING

Frank G. Brown to be postmaster at Fort Laramie, Wyo., in place of F. G. Brown. Incumbent's commission expires May 20, 1928.

### CONFIRMATIONS

*Executive nominations confirmed by the Senate May 8 (legislative day of May 3), 1928*

#### COMMISSIONER OF INTERNAL REVENUE

Harris F. Mires to be assistant to the Commissioner of Internal Revenue.

#### COLLECTOR OF CUSTOMS

Manuel B. Otero to be collector, collection district No. 24, El Paso, Tex.

#### POSTMASTERS

##### CALIFORNIA

Zylpha Potter, Hughson.  
Frank N. Lawrence, Mount Shasta.  
Belle Kornelissen, Newhall.

##### ILLINOIS

Harold E. Ward, Sterling.

##### KENTUCKY

Sophia A. Calvert, Big Clifty.  
Charles A. Niles, Dawson Springs.  
Orvil Coleman, Wolfpit.

##### MINNESOTA

Fred J. Page, Cusson.  
Thomas Considine, Duluth.  
Albert J. Schroeder, Holdingford.

##### MISSISSIPPI

John B. Going, Calhoun City.  
Charles Kramer, Stonewall.

##### NEW HAMPSHIRE

Thomas H. Dearborn, Dover.

##### WISCONSIN

Fred J. Scheinpflug, Boscobel.

## HOUSE OF REPRESENTATIVES

TUESDAY, May 8, 1928

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Blessed Lord and Master, Thy bountiful mercy is our hope and trust. We are here not in our own strength but through the loving-kindness and condescension of our Heavenly Father. Each day Thou dost set the marks of loveliness upon the face of Thy creation. Unto us do Thou send forth Thy light, that we may fulfill the measure of duty that is made plain to us. Enrich us with the fruitful joys of the Christian's faith; may they be our shield and our defense. Redeem our country from enmities and jealousies. Shadow it everywhere with the sweet, gracious sentiment of brotherhood. Teach us that the lasting treasure of life is the presence of Him who quiets all alarms and stills the soul with heavenly peace. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 11026) entitled "An act to provide for the coordination of the public-health activities of the Government, and for other purposes."

The message also announced that the Senate disagrees to the amendment of the House of Representatives to the bill (S. 744) entitled "An act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes," requests a conference with the House on the disagreeing votes

of the two Houses thereon, and appoints Mr. JONES, Mr. McNARY, Mr. JOHNSON, Mr. FLETCHER, and Mr. RANDELL to be the conferees on the part of the Senate.

#### CUSTER STATE PARK, S. DAK.

Mr. WILLIAMSON. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 2910) granting to the State of South Dakota for park purposes the public lands within the Custer State Park, S. Dak.

The SPEAKER. The gentleman from South Dakota asks unanimous consent to take from the Speaker's table the bill S. 2910. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there be, and is hereby, granted to the State of South Dakota, for public park purposes, the publicly owned lands within the boundaries of the Custer State Park in townships 3 and 4 south, range 6 east, and the east one-third of townships 3 and 4 south, range 5 east, Black Hills meridian: *Provided,* That in the event of the failure on the part of the State of South Dakota to use the lands hereby granted for public park purposes the title thereto shall revert to the United States, and the Secretary of the Interior is hereby authorized and empowered to determine the facts and to declare such forfeiture and such reversion and to restore said lands to the public domain.

With the following committee amendment:

Page 2, line 4, after the word "domain," insert the following: "*Provided,* That this grant shall not include any land which on the date of the approval of the act is covered by any existing bona fide right or claim under the laws of the United States unless and until such right or claims is relinquished or extinguished."

The committee amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### PRELIMINARY EXAMINATION AND SURVEY OF EASTCHESTER CREEK, N. Y.

Mr. FITZPATRICK. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the preliminary examination and survey of Eastchester Creek, N. Y.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. FITZPATRICK. Mr. Speaker and gentlemen of the House, some time ago I introduced a bill, H. R. 9604. The object of this bill is to provide for a preliminary examination and survey of the Eastchester Creek to determine such improvements as may be necessary to meet with increasing transportation.

The Members of this House are not familiar with this creek I refer to, which is also known as Hutchinson River. It empties into Eastchester Bay, an indentation 3 miles long and 1,000 feet to 1½ miles wide, in the north shore of Long Island Sound, immediately east of Throgs Neck, 12 miles west of the Connecticut State line, and 21 miles by water east of the Battery, New York City. Its course is 9 miles slightly west of north from the head of the bay. The navigable section of the creek is tidal, is 100 feet to 1,000 feet in width, and extends about 2½ miles above its mouth. The approach through the bay is approximately 600 feet wide, with a controlling depth of 5 feet at mean low water. Four bridges cross the creek, two near the mouth, one a highway bridge and the other a railroad bridge, one highway bridge at Boston Post Road, and the other at Fulton Avenue.

There has been no permanent improvement proposed since 1910. Since that time transportation has increased from 800 to 1,000 per cent, and it would increase considerably more if this river was improved by deepening and widening the channel so that larger boats could enter it. At the present time the channel is supposed to be 5 feet deep at low tide, but if it is not dredged out frequently it is less than that.

I have been petitioned by a number of business men both in Westchester County and Bronx County to try and get some permanent improvement; among those are—

Hon. James Berg, mayor city of Mount Vernon, N. Y.  
J. F. Mahsted, president Mahsted Lumber & Coal Co.  
G. T. Macbeth, representing the Westchester Lighting Co.  
John F. Fee, secretary and treasurer William J. Fee Coal Co.  
William Hart Hussey, secretary H. B. Pruser Coal Co.  
Theodore S. Trimmer, president T. S. Trimmer Coal Co.  
Frank J. Howard, representing the Sylvestre Oil Co.  
Frank Zeltray, representing the Beacon Oil Co.  
Philip Levene, president Pelham Manor Coal & Transfer Co.  
Joseph S. Yendell, representing the Excelsior Lubrication Co.

Roy J. Garofano, vice president Garofano Construction Co.  
Alfred F. Barbarelli, of A. Barbarelli & Son, builders and contractors.  
A. P. Brooks, president the Wilson & Adams Co.  
C. O. Beck, manager the Bang Service Station (Inc.).  
A. Aurisy, secretary Hutchinson River Supply Co. (Inc.).  
Petrillo Bros. (Inc.), Eastchester Creek.  
James V. Petrillo, secretary Carlo Petrillo Dock & Supply Co.  
Harold Ferlard, manager Valvoline Oil Co.  
Suburban Lumber Co., Boston Road, Eastchester, N. Y.  
The Home News of the Bronx, which enters the home of nearly every family in that county.

The Mount Vernon Argus, Mount Vernon, N. Y.

The Pelham News, Pelham, N. Y.

Hon. Thomas H. O'Neil.

Hon. Robert L. Moran, county clerk Bronx County.

Hon. Albert G. Halberstadt, president Century Mills Paper Co.

Hon. John J. Hanley.

Hon. Thomas J. McDonald.

Hon. Christopher C. McGrath.

Hon. William A. Keating.

Hon. Edwin W. Fiske.

August Miller.

Paul A. Vaccarella.

Joseph A. Carey.

R. J. Jennings, president Eastchester Creek Association.

Daniel V. O'Connell and Hon. Edward R. Koch.

I would like to impress upon this body the great necessity of this waterway. The river is bounded on the north by Westchester County and the south by Bronx County. If the river was widened so that large boats could navigate it would be a great benefit to over one quarter of a million people, and there is no part of our country to-day that is building so rapidly as the northern end of the Bronx and the southern end of Westchester County, which takes in Yonkers, Mount Vernon, Pelham, and New Rochelle. At the present time at low tide it is extremely difficult for three or four boats to use this creek at the same time, and if this improvement is made, it would lower the prices on building materials, oils, fuel, and all kinds of merchandise, and I believe that our Government owes the people of this section the improvement such as I am asking for. I hope that the Rivers and Harbors Committee will favorably report this bill and that prompt action will be taken on it by the House.

#### EXTENSION OF REMARKS

Mr. CONNERY. Mr. Speaker, I ask unanimous consent that all Members of the House who wish to do so may extend their remarks in eulogy of the late JAMES A. GALLIVAN.

The SPEAKER. The gentleman from Massachusetts asks unanimous consent that all Members who wish to do so may extend their remarks in eulogy of the late Representative GALLIVAN. Is there objection?

There was no objection.

#### DIRECT MARKETING OF HOGS

Mr. COCHRAN of Missouri. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by answering the argument of the gentleman from Kansas [Mr. HOPE] on the packers and stockyards bill.

The SPEAKER. The gentleman from Missouri asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. COCHRAN of Missouri. Mr. Speaker, on February 29 the gentleman from Kansas [Mr. HOPE] addressed the House on the subject of the Capper-Hope bill and the direct marketing of hogs. I have studied this question and have some facts and figures that should be welcomed. These relate to certain statements made by the gentleman from Kansas.

Of primary importance was a question as to whether or not the bill introduced by the gentleman from Kansas would affect smaller packers. He was asked how the owner or the manager of a particular plant in Iowa, for example, was going to buy his hogs unless he buys them direct from a farmer. The gentleman from Kansas stated that his bill would not affect such a situation at all and that he did not think his bill would apply to towns with no public stockyards. The fact of the matter is the bill by its very language positively is applicable to so-called smaller packing plants owning private receiving yards. The same question came up during recent hearings before the Senate Committee on Agriculture and Forestry and at the hearing Dr. Arthur W. Miller, chief of the stockyards and packers division of the Bureau of Animal Industry, United States Department of Agriculture, indicated very definitely that the bill would apply to such plants. The bill positively would be applicable to all packing houses, small as well as large, owning pens where they receive livestock direct from farmers who have elected to sell their property direct to the packer. We have



such plants in St. Louis, and they as well as farmers who have been selling to them would be very severely affected by the unique proposal advanced by the gentleman from Kansas.

In St. Louis there are no public stockyards. There are yards across the Mississippi in East St. Louis, Ill. The farmers of Missouri and near-by States sell large numbers of their hogs direct to the packing plants in St. Louis to their entire satisfaction. If the gentleman's bill should ever pass, the ultimate result of its effect would be that the farmers of Missouri would have to haul or send their hogs right by the doors of our St. Louis packers, take them across the river into Illinois at an added expense of hauling, bridge tolls, and marketing charges, and then the St. Louis packers would have to go over into Illinois, buy these Missouri hogs, and haul them back into Missouri again, paying a heavy switching charge, having the animals damaged, bruised, and crippled by additional handling and generally encountering a heavy increase in the cost of their operations. The producer would receive fewer net dollars, the manufacturer's cost would be increased, and if the money wasted in this fashion could be made up at all it would have to mean a greater cost of meat.

Moreover, it would be a serious question whether our St. Louis packers doing business under such conditions could compete successfully with some other packers not situated as they are. Our packers could not move, because you can not put a packing house on wheels. Even if you could put a packing house on wheels, what benefit would that be to the farmers of Missouri, who now get the greatest possible returns for their pigs by selling them to the nearest buyer in St. Louis? The prices, incidentally, are based on the public terminal markets' prices, grade for grade. The economic loss resulting from any bill such as the gentleman's would amount to something between \$50 and \$75 a car—a loss which would have to be stood largely by the farmer, partly by the packer, and partly by the consumer.

The fact is that under the bill introduced by the gentleman from Kansas the Secretary of Agriculture—and nobody knows how some future Secretary might interpret the proposed law for some particular class or locality—may post as a public yards any packer or any shipper or any feeder or any farmers, or all of them, if they own or operate private yards. Also, the bill provides that any farmer selling to a posted stockyards privately owned by a shipping association or packer may complain to the Secretary of Agriculture, whereupon the Secretary may hold a hearing on behalf of the discontented farmer in any way the Secretary desires. There is nothing in the bill to give the privately owned posted yards a guaranty that it will be cited for a hearing only when there is reasonable ground for a hearing. Some one might just imagine that he had a grievance and still throw the private yards into a hearing. If the shipper or shipping association manager were forced to go to such a hearing his work would absolutely cease while he was so occupied. When small organizations like the packers we have in St. Louis, various parts of the Corn Belt, and elsewhere as well, are forced to appear, their chief operating officers must stop their operating and productive work and busy themselves with preparing for and attending whatever hearing they might be called upon to attend.

The gentleman might also be interested in observing that a great majority of the farmers in the Corn Belt, and in the West are unalterably opposed to his bill which, while it ostensibly is directed at preventing packers from buying livestock direct, actually would have the effect of preventing farmers, individually or collectively, as the case might be, from selling their livestock direct, and the testimony is that they have found it extremely profitable to do so inasmuch as by so doing they are able to market their stock in the most economical manner, saving themselves heavy marketing charges.

Among other organizations that have opposed this legislation is the Iowa Cooperative Livestock Shippers, which is a State federation of local cooperative shipping associations of Iowa. There are approximately 640 shipping associations in Iowa and those associations have about 100,000 members. They handle approximately 60,000 carloads of livestock a year, mainly hogs. The position taken by the Iowa Cooperative Shippers has been that this bill would restrict the number of outlets available for selling their livestock. There are in Iowa 19 so-called concentration yards owned by packers and 13 packing plants. Each and every one of these so-called concentration yards and 13 local plants purchases livestock direct from farmers or farmers' cooperatives. There are several plants, especially in such States as Iowa, Minnesota, and adjacent States that purchase 100 per cent of their livestock direct from farmers or from farmers' cooperatives. The farmers of various localities have found it profitable to sell direct to packers and they are against any legislation which would prevent them from continuing to do so.

They are selling this year in one State alone more than 4,000,000 hogs direct to packers.

It may also be of interest to know that the American National Livestock Association, the Oregon Cattle Raisers' Association, the Nebraska Stock Growers' Association, the Utah Cooperative Livestock Exchange, the Wyoming Stock Growers' Association, the Texas Cattle Raisers' Association, the Fayette County (Ohio) Producers' Co. and a large number of other important cooperative and farmers' associations are opposed to the bill and to the idea embodied in it.

The opposition of the farmers' cooperatives and shipping associations has been so strong that, as was to be expected, proponents of this legislation have drafted amendments which purport to exempt them from the operation of the measure. That might be all very well, but such an amendment would not help the individual farmers, or even the cooperative associations, who desire to sell their own property to some packer a few miles away and to whom for years they have been selling hogs to their entire satisfaction; that is, getting the high dollar for the fruits of the farmers' own labor in raising the hogs for market. The best evidence that this system of marketing has been satisfactory to millions of individual farmers all over the United States is that they continue to sell their hogs this way and not a few who used to sell their animals entirely in the terminal markets are now following the practice of selling their animals direct to some conveniently located packing house. Some individual farmers have been selling their hogs this way for 30 or 40 years, and even if cooperative and shipping associations should be exempted from the operations of this bill, in so far as posting their yards and so on is concerned, the bill still would prohibit freedom of action on the part of farmers individually and collectively who want to sell their own hogs direct and packers who want to buy the farmer's hogs direct. If you eliminate a buyer, you at the same time affect sellers, because, obviously, you can not sell direct if somebody else is prevented from buying direct. Here is an arrangement that is mutually satisfactory to buyer and seller. Personally, I do not believe that Congress will ever even seriously consider abridging the individual's right of contract and freedom of action in any such manner as is proposed.

The gentleman made some other statements during the course of his remarks which were—unintentionally, I am sure—not quite accurate, or at least they were not complete.

The gentleman charged that packers who own private yards at terminal markets are depressing prices on those markets by buying a portion of their hog requirements direct from farmers or direct at their plants from farmers and their associations and cooperatives.

The fact that packers located at the terminal markets may have bought some of their hog requirements through private yards and, therefore, will need to buy fewer hogs on that particular market in no way tends to depress hog prices because the supply to be sold on the market has been reduced along with the demand. It is obvious that the reduction in the supply automatically offsets any reduction in demand.

The gentleman then infers that the present low level of hog prices is a result of manipulation of the livestock market. I have found some very interesting figures touching on this point; figures which show conclusively that the lower level of hog prices is a direct result of the lower prices which packers obtained for pork. For example, I have compared the price of fresh and cured pork products on the Chicago market on March 1 of 1928 with the prices of those same products on March 1, 1927. I have a table taken from official figures issued by the Bureau of Agricultural Economics of the United States Department of Agriculture. It shows interesting comparisons:

*Pork prices at Chicago; fresh pork products*

	Mar. 1, 1928	Mar. 1, 1927	Amount of decline	Per cent of decline
Loins 10/12.....	\$13.75	\$22.50	\$8.75	39
Skinless shoulders.....	11.00	16.50	5.50	33½
Spare ribs.....	9.00	15.00	6.00	40
Boston butts.....	13.25	20.25	7.00	34

*Cured pork products week ending February 25*

	1928	1927	Amount of decline	Per cent of decline
Hams, smoked, regular No. 1 12/14.....	\$22.00	\$28.00	\$6.00	21
Hams, smoked, skinned No. 1 16/18.....	20.00	28.50	8.50	30
Piconics, smoked 4/8.....	16.50	18.50	2.00	11
Bacon, No. 1 6/8.....	30.00	34.50	4.50	13
Backs, dry salt 12/14.....	11.00	14.25	3.25	23
Lard, refined.....	11.00	14.38	3.38	24

It will be noted from these tables that declines in the nine principal pork products have ranged from 40 to 11 per cent, with an arithmetical average decline of 26.5 per cent. In the case of four fresh-pork items shown the declines have averaged 36.6 per cent. Against this we have a decline of only 31 per cent in the price of hogs at Chicago on March 1, 1928, as compared with March 1, 1927, according to figures published by the Chicago Daily Drovers Journal. These figures show clearly, in my opinion, that the decline in hog prices is due to one thing—a parallel and equal decline in the price of pork.

In other words, regardless of the decline in the export demand and regardless of whether or not there has been an increase in the hog supply and hog marketings, hog prices went down because the consumer would not absorb our pork supply except at lower levels, which necessitated declines in wholesale pork prices as much as 8½ cents per pound. It is unnecessary, I am sure, to point out that when a packer is forced to sell his meat at wholesale at drastically lower levels, a decline in hog prices is inevitable.

The gentleman from Kansas confessed he did not know whether there has been an increase in the supply of hogs. It is interesting to observe that during January, 1928, the receipts of hogs at the seven leading markets were 20 per cent greater than during January, 1927, and, furthermore, during February, 1928, receipts of hogs at these seven leading markets were 60 per cent greater than during February of last year. The aggregate increase for the two months over the same two months of last year was 38 per cent. Surely these figures indicate clearly that the supply of hogs coming to market has increased and furnishes in itself ample reason for a corresponding decrease in the prices which have been paid for those hogs.

Disregarding the present situation, however, the gentleman stated that the drop in the prices of hogs took place about seven months ago. That is true. Prices of hogs seven months ago were appreciably lower than they had been one year before that. According to figures published by the Drovers' Journal, the average hog price at Chicago during July, 1927, was 28 per cent below the price for July, 1926. The price in August, 1927, was 21 per cent below the price in August, 1926; but prices of pork products at that time showed even greater declines. The figures of the Bureau of Agricultural Economics for the week ending July 30, 1927, and the corresponding week of 1926 are shown in another tabulation.

Pork prices at Chicago

	Week ending July 30, 1927	Week ending Aug. 1, 1926	Amount of decline	Per cent of decline
Loins 10/12.....	\$23.10	\$25.40	\$2.30	9
Skinned shoulders.....	12.00	18.50	6.50	35
Spare ribs.....	10.50	14.00	3.50	25
Boston butts.....	15.50	23.40	7.90	51
Regular smoked hams.....	22.00	37.00	15.00	68
Smoked picnic.....	17.00	24.50	7.50	44
Bacon.....	32.00	44.00	12.00	38
Dry salt backs.....	12.50	17.50	5.00	40
Refined lard.....	12.00	17.50	5.50	46

We see from this table that the decrease of 21 to 28 per cent in the price of hogs was accompanied by an equal decline in the wholesale prices of pork products. Thus, whether we look at the figures for a week ago or seven months ago, or any other time, we only find proof that the price of hogs is determined by what consumers are willing to pay for the amount of pork which those hogs produce. It was the lower price of pork, gentlemen, and not direct marketing or alleged market manipulation which has been responsible for the lower level of hog prices.

At another point the gentleman asks that producers be permitted to sell their hogs on a competitive and open market instead of one which is under the absolute "control" of the purchaser. The producer is entirely free to do this now if he so desires. Official figures issued by the United States Department of Agriculture show that two-thirds of the entire hog supply is marketed through the public markets, which always have been considered open and competitive. Furthermore, the one-third of the hog supply which is marketed direct to the packer is marketed in that way only because the producer chooses to market his hogs that way. If the producers were not satisfied with the prices and conditions which they obtain in selling direct, it is obvious that they would market all of their livestock through the public markets, or in some other way. No producer is compelled to send his hogs direct to any packer. He does so only because he chooses to do so.

The gentleman next turns his attention to the technique of country buying. He infers that packers select a favorite dealer

in each town, authorize him to pay higher prices than the market in order to drive competitors out of business and thereby create a monopoly for themselves in that community. Then, the gentleman says, the packers apportion and divide territory so that they will not have to compete with each other. In this same connection, however, representatives of the United States Department of Agriculture point out that every Iowa county has from 2 to 14 outlets for its hogs, and all but 9 counties have 4 or more buying agencies.

The statement that packers apportion territory among themselves is unsubstantiated by the gentleman, probably because he can point to no instance of apportionment. If, however, the packers have attempted to apportion territory among themselves such fact would constitute no argument whatever in favor of additional legislation. Anyone with the slightest knowledge of the antitrust acts well knows that under the provisions of the Sherman Act any agreement by the packers to apportion territory is now and has been unlawful ever since the enactment of that law in 1891. Aside from this, however, section 202, Clause F, of the packers and stockyards act of 1921, reads as follows:

It shall be unlawful for any packer to (f) conspire, combine, agree, or arrange with any other person (1) to apportion territory for carrying on business in commerce, or (2) to apportion purchases or sales of any article in commerce, or (3) to manipulate or control prices in commerce.

We thus see that the laws of the United States now in full force and effect are ample to correct any situation such as the gentleman has described. All that he or those who are urging passage of this bill need to do in this connection is to bring the facts to the attention of the Secretary of Agriculture for the filing of complaint. No additional legislation whatever is necessary.

The gentleman then makes the statement that, as a result of what he describes as the selected shipper plan, the packers are enabled to get the best hogs in any territory without competition, with the result that the inferior hogs are shipped to the central markets and thus set the price for good hogs which are produced direct. The fact is that the packers do not make a practice of taking only selected hogs when they buy direct. In most cases they take entire droves which may contain hogs of all grades, with the result that there still is a plentiful supply of choice hogs being shipped to the central markets. Even when the packer does buy only choice grades direct he is obliged to pay the price for such grades which has been established on the central markets each day, and the law of supply and demand establishes a separate price for each grade and weight. Incidentally, hundreds of buyers are on each of the terminal markets, not just the buyers of packers who buy in the country. The prices of these different grades are readily available to producers through Government reports, radio, and newspapers, and by the telephone.

There is no justification, therefore, for the charge that direct marketing of choice grades of hog results in depressing the prices for the choice grades. The contrary is nearer the truth. Choice hogs are in great demand on all terminal markets. If some have been bought direct in the country, it would seem to follow that the supply on the terminal markets would be lessened, but the demand would be almost the same; hence the price should be higher than otherwise would be the case.

I find also a statement to the effect that there is no agency to guarantee the farmer fair grading and weighing on his direct shipments, since the packer himself fixes the grade, weight, and price. In commenting on this unfair inference I should like to point out that the very fact that farmers continue to market their hogs direct to packers, and in many cases have been doing so for 20 or 30 years, and that the fact that this practice has been increasing during recent years, indicates clearly that the grading, weighing, and pricing are satisfactory to the farmer, otherwise he would not market his hogs in that manner.

At another point the gentleman states that in a good many cases the producer of hogs who does not "stand in" with the packers can not sell his hogs at all. Surely any producer anywhere can ship his hogs to one of the public markets whenever he wishes and get them sold promptly regardless of whether he is or is not in favor with some packer. No farmer needs favors from some packer. The farmer has hogs and the packer must have his raw material. It is a business proposition purely and simply.

The next of the statements on which I wish to comment is one to the effect that the packer who has bought some of his hogs direct lays off the public market until later in the day, with the result that there is no competition all day and with the effect that hog prices are lowered. I should like to point



out that the time of day in which the buying takes place in no way affects competition. The plain fact is, however, that hog prices are determined by the total supply of hogs and the total demand for hogs—as influenced by the demand from consumers of pork—and not by the time or place or method of purchase.

As a matter of fact, staying out of the market in the early part of the day is not a new practice nor one which can be attributed to direct marketing. It is merely a phase of buying and is directly comparable to the case where a market agency will hold its hogs at higher prices than the market during the first part of the day.

Staying out of the market is not, however, practiced to any extent. The bulk of the packers are willing to bid, and do bid, on hogs soon after they are yarded and presented for sale. There is occasionally a situation where buyer's and seller's views as to price do not immediately meet to the extent of promptly causing an active market, and sometimes things are dull for an hour or two while this adjustment is going on, but it does not take as long for buyer and seller to meet on the price of livestock as it does on many other articles; some are quicker; some are longer.

We do not believe there has been any reason for complaint in recent years because of lack of bids reasonably early in the morning from buyers, and even if there was less activity for longer periods it would have no bearing on the direct marketing problem.

The gentleman then quotes the Secretary of Agriculture to the effect that the direct marketing system will, in fact, if it has not already done so, impair and ultimately break down the open competitive public markets where livestock is bought and sold, and where prices are established. In this the present Secretary does not agree with his predecessor, Henry C. Wallace.

Direct marketing in no way imperils the existence of the central markets. It is obvious that the many packers who have enormous sums of money invested at the central markets are as interested as anyone else in maintaining the markets at which they are established. Moreover, the great bulk of the buying is done through the central markets.

As for the suggestion that direct marketing already may have broken down the public markets, I think I need only call attention to the combined increase of 38 per cent in the receipts of hogs at the seven leading markets during January and February of this year as compared with the same two months of last year. From these figures it would seem that the open competitive markets were healthy and flourishing.

It is only fair to observe that charges which have been made from time to time against the packing industry have been quickly disproven by mere reference to official Government figures showing livestock prices, meat prices, and the rate of packers' profits.

In conclusion, I wish only to point out that producers of livestock and their representatives in Congress need not fear that direct marketing will bring about the downfall of the central markets, or that it will in any way affect adversely the price of hogs. What they should fear is the effect of unwise legislation which would restrict the processes of the packing industry, for such action would only curtail the outlets and marketing privileges of the livestock producers themselves. The Hope bill they should fear for an additional reason, namely, that even if amended it would tend to discourage cooperative direct marketing of livestock.

It is a fundamental principle of cooperative marketing and good marketing practice for individual farmers to get the produce of the farms to what is termed the farmer's consumer by the most direct route possible—passing by the door of the middlemen wherever possible or desirable. This is exactly what is being done now and increasingly developed in the marketing of livestock direct to packers. The economic saving by this method amounts to \$50 or more per car of livestock marketed, some of this accruing to the producer and some to the packer. It also helps the consumer because it tends to decrease the spread between the farm and the table, a thing which for years has been recognized as being highly desirable for producers and consumers as well.

The packers in St. Louis who will be affected if this bill becomes a law number over 50. Many are in my district, and their existence practically depends upon their ability to purchase part of their kill direct.

Several thousand of my constituents who are now employed by these packers will also be affected if the business of their employers is curtailed.

Missouri has just completed a \$90,000,000 good-roads program, the Federal aid being advanced in part to afford good roads for the farmer to bring his products to market by truck. Thousands are now saving freight rates by using these roads, and they will resent any attempt to prevent them from marketing

their hogs direct to the packer where they receive the market quotations without any deductions for yardage, water, feed, and so forth.

#### FLOOD PROTECTION ON WHITE RIVER, ARK.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table Senate Joint Resolution 135 and consider the same.

The SPEAKER. The gentleman from Indiana asks unanimous consent to take from the Speaker's table Senate Joint Resolution 135 and consider the same in the House as in Committee of the Whole. Is there objection?

There was no objection.

The Clerk read the joint resolution, as follows:

Senate joint resolution (S. J. Res. 135) making an emergency appropriation for flood protection on White River, Ark.

Whereas the disastrous floods of 1927 destroyed millions of dollars' worth of property along the White River, State of Arkansas; and

Whereas the efforts to hold the levees along that stream exhausted the entire resources of the levee districts; and

Whereas the funds to build said levees and keep them in repair is raised by a tax levied on the lands; and

Whereas the last dollar under the constitution these lands can be taxed for that purpose has been exhausted; and

Whereas the Government under the flood control act has assumed jurisdiction over these levees; and

Whereas these levees are now being threatened with destruction by a flood now raging on White River; and

Whereas there are no available funds appropriated to strengthen and hold these levees against the impending flood: Therefore be it

*Resolved, etc.*, That there is hereby appropriated out of any money in the Treasury not otherwise appropriated the sum of \$25,000, or so much thereof as may be required, to be expended under the direction of the Chief of Engineers of the United States Army and the Mississippi River Commission to strengthen and hold levees on the White River in Woodruff and Monroe Counties, Ark.

Sec. 2. The Chief of Engineers of the United States Army or the Mississippi River Commission, or both, are hereby authorized to expend said sum, or so much thereof as may be required, to strengthen or hold said levees.

The SPEAKER. The question is on the preamble.

The question was taken, and the preamble was stricken out.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

On motion of Mr. WOOD, a motion to reconsider the vote whereby the resolution was passed was laid on the table.

#### FLOOD CONTROL

Mr. REID of Illinois. Mr. Speaker, I ask unanimous consent to call up the conference report on the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, and I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Illinois asks unanimous consent to call up the conference report on the bill (S. 3740) and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

#### CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendments numbered 13, 17, 18, 19, and 20.

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 21, 22, 24, 25, 26, 27, 28, 29, 30, 32, and 33, and agree to the same.

Amendment numbered 9: That the Senate recede from its disagreement to the amendment of the House numbered 9, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following: "but nothing herein shall prevent, postpone, delay, or in anywise interfere with the execution of that part of the project on the east side of the river, including raising, strengthening, and enlarging the levees on the east side of the river"; and the House agree to the same.

Amendment numbered 14: That the Senate recede from its disagreement to the amendment of the House numbered 14, and agree to the same with an amendment as follows: In lieu of the

matter proposed to be inserted by said amendment insert the following:

"(c) provide without cost to the United States, all rights of way for levee foundations and levees on the main stem of the Mississippi River between Cape Girardeau, Mo., and the Head of Passes."

"No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place: *Provided, however*, That if in carrying out the purposes of this act it shall be found that upon any stretch of the banks of the Mississippi River it is impracticable to construct levees, either because such construction is not economically justified or because such construction would unreasonably restrict the flood channel, and lands in such stretch of the river are subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river it shall be the duty of the Secretary of War and the Chief of Engineers to institute proceedings on behalf of the United States Government to acquire either the absolute ownership of the lands so subjected to overflow and damage or floodage rights over such lands."

And the House agree to the same.

Amendment numbered 15: That the Senate recede from its disagreement to the amendment of the House numbered 15, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"SEC. 4. The United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River: *Provided*, That in all cases where the execution of the flood-control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid."

And the House agree to the same.

Amendment numbered 16: That the Senate recede from its disagreement to the amendment of the House numbered 16, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following: "which in the opinion of the Secretary of War and the Chief of Engineers, are"; and the House agree to the same.

Amendment numbered 23: That the Senate recede from its disagreement to the amendment of the House numbered 23, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Including levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on the outlets and tributaries of the Mississippi River between Rock Island and Head of Passes in so far as such outlets or tributaries are affected by the backwaters of the Mississippi: *Provided*, That for such work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., and on such tributaries, the States or levee districts shall provide rights of way without cost to the United States, contribute 33 1/4 per cent of the costs of the works, and maintain them after completion: *And provided further*, That not more than \$10,000,000 of the sums authorized in section 1 of this act shall be expended under the provisions of this section."

"In an emergency, funds appropriated under authority of section 1 of this act may be expended for the maintenance of any levee when it is demonstrated to the satisfaction of the Secretary of War that the levee can not be adequately maintained by the State or levee district."

And the House agree to the same.

Amendment numbered 31: That the Senate recede from its disagreement to the amendment of the House numbered 31, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment, insert the following:

"The sum of \$5,000,000 is hereby authorized to be used out of the appropriation herein authorized in section 1 of this act, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers for the preparation of the flood-control projects authorized to be submitted to Congress under this section: *Provided further*, That the flood surveys herein provided for shall be made simultaneously with the flood-control work on the Mississippi River provided for in this act: *And provided further*, That the President shall proceed to ascertain, through the Secretary of Agriculture and such other agencies as he may deem proper, the extent to and manner in which the floods in the Mississippi Valley may be controlled by proper forestry practice."

And the House agree to the same.

Pursuant to House Concurrent Resolution No. 34, it is recommended that in the first proviso to section 10 the words "board created in section 1 of this act" be stricken out, and in lieu thereof the words "Mississippi River Commission" be inserted.

FRANK R. REID,  
C. F. CURRY,  
ROY G. FITZGERALD,  
RILEY J. WILSON,  
W. J. DRIVER,

*Managers on the part of the House.*

W. L. JONES,  
DUNCAN U. FLETCHER,  
CHAS. L. McNARY,  
JOS. E. RANDELL,  
HIRAM W. JOHNSON,

*Managers on the part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3740) for the control of floods on the Mississippi River and its tributaries, and for other purposes, submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report, as to each of such amendments, namely:

#### SECTION 1

On No. 1: Strikes out the Secretary of War as a member of the planning board.

On No. 2: Provides for one civil engineer as a member of the planning board, instead of two as proposed by the Senate.

On No. 3: Provides that the civil engineer shall be chosen from civil life.

On No. 4: Provides that the planning board shall consider the plans recommended by the Mississippi River Commission.

On No. 5: Inserts the language proposed by the House, providing that the planning board shall recommend to the President such action as it may deem necessary to be taken in respect to the engineering differences between the two flood-control plans, the President's decision to be followed in carrying out the project. The planning board is to have no other authority in regard to the project except as set forth in this section.

On No. 6: Strikes out the word "further" as proposed by the House.

On No. 7: Strikes out the word "as" as proposed by the House.

On No. 8: Strikes out the words "as those protected by levees constructed on the main river" as proposed by the House.

On No. 9: Inserts the language proposed by the House, with the additional insertion, after the word "of," in line 22, on page 3, of the words "that part of." This is in the nature of a perfecting amendment and does not change the sense of the House amendment.

On No. 10: Inserts the new paragraph at the end of section 1, as proposed by the House, providing that all unexpended balances of appropriations heretofore made for flood control on the Mississippi River under the flood control acts of 1917 and 1923 shall be available for expenditure under this act, except section 13.

#### SECTION 2

On No. 11: Strikes out the word "additional," as proposed by the House, from the phrase "no additional local contribution to the project herein adopted is required."

#### SECTION 3

On No. 12: Strikes out the words "local interests" and inserts the words "the States or levee districts," as proposed by the House, in line 8, on page 5.

On No. 13: Strikes out the words "the title to" proposed to be inserted by the House, in line 15, on page 5.

On No. 14: Inserts the language proposed by the House, but changes the latter part of the last paragraph of the section so as to clarify the meaning.

#### SECTION 4

On No. 15: Strikes out the first paragraph of the section, as proposed by the Senate, and inserts in lieu of the amendment proposed by the House a provision which has been agreed upon by the conferees, to the effect that the United States shall provide flowage rights for additional destructive flood waters that will pass by reason of diversions from the main channel of the Mississippi River. The amendment agreed to by the conferees also contains a proviso to the effect that where the flood-control project results in benefits to property, such benefits shall be taken into consideration by way of reducing



the amount of compensation to be paid. This provision is similar to existing law.

On No. 16: Inserts the language proposed by the House, to the effect that the opinion of the Secretary of War is to decide what lands, easements, or rights of way are necessary to be acquired, and adds that the opinion of the Chief of Engineers is also to be followed.

On Nos. 17, 18, 19, and 20: Strikes out the language proposed by the House and restores the language of the Senate, in the last proviso in section 4, the House amendment not having been considered essential or important.

## SECTION 6

On No. 21: Strikes out the language, proposed by the Senate, and inserts the word "Funds," as proposed by the House, in line 10, on page 8.

On No. 22: Inserts the words "section 1 of," as proposed by the House, in line 11, on page 8.

On No. 23: Strikes out the language, proposed by the Senate, and inserts the language, proposed by the House, with the additional provision that for levee work on the Mississippi River between Rock Island, Ill., and Cape Girardeau, Mo., the States or levee districts shall provide rights of way, pay one-third of the work, and maintain the levees when completed.

## SECTION 7

On No. 24: Strikes out the words "below Cape Girardeau, Mo.," as proposed by the Senate, so that the emergency fund may be used for rescue work or repair or maintenance on any of the tributaries of the Mississippi.

On No. 25: Inserts the language, proposed by the House, which would authorize the emergency fund to be used to repair levees destroyed by the flood of 1927.

## SECTION 8

On No. 26: Inserts the new paragraph at the end of the section, as proposed by the House, providing that the salary of the president of the Mississippi River Commission shall be \$10,000, and the salary of the other members of the commission shall be \$7,500.

## SECTION 9

On No. 27: Strikes out the entire section, as proposed by the Senate, and inserts the language, proposed by the House, providing that the provisions of sections 13, 14, 16, and 17 of the river and harbor act of March 3, 1899, shall be applicable to all lands, waters, easements, and other property and rights acquired or constructed under the provisions of this act.

## SECTION 10

On No. 28: Inserts the language, proposed by the House, providing that the surveys authorized by the river and harbor act of January 21, 1927, in addition to those set forth in House Document No. 308, Sixty-ninth Congress, first session, shall be prosecuted as speedily as practicable.

On Nos. 29 and 30: Strikes out the language, proposed by the Senate, and inserts the language, proposed by the House, naming the tributaries for which flood-control projects shall be prepared.

On No. 31: Inserts the new paragraph at the end of the section, as proposed by the House, with the additional provisions that the flood-control projects on the tributaries of the Mississippi shall be submitted to Congress, and that the forestry investigation may be undertaken by such other agencies as the President may deem proper as well as by the Secretary of Agriculture.

## SECTION 11

On No. 32: Strikes out the language, proposed by the Senate, and inserts the language, proposed by the House, to the effect that if the levee between Tiptonville, Tenn., and the Obion River, in Tennessee, is found feasible and is approved by the President, it shall be built.

## SECTIONS 13 AND 14

On No. 33: Inserts the two new sections, proposed by the House, section 13 providing for a modification of the flood-control project on the Sacramento River, Calif., and section 14 providing that contracts for the sale of land shall contain a provision that no Member of Congress is interested in the sale.

The conferees have agreed to recommend that section 10 be amended to provide that the surveys of the tributaries shall be reviewed by the Mississippi River Commission instead of the planning board. This change is recommended in order to make this section consistent with the provision in section 1 that the planning board shall have no power or authority except to consider the engineering differences between the two plans for flood control on the lower Mississippi. This recommenda-

tion of the conferees was authorized by House Concurrent Resolution No. 34, adopted by the House and Senate on May 7, 1928.

FRANK R. REID,  
C. F. CURRY,  
ROY G. FITZGERALD,  
RILEY J. WILSON,  
W. J. DRIVER,

*Managers on the part of the House.*

Mr. REID of Illinois. Mr. Speaker, I move the adoption of the conference report.

The SPEAKER. The question is on agreeing to the conference report.

Mr. DENISON. Mr. Speaker, I ask the gentleman to yield to me for five minutes.

Mr. REID of Illinois. Mr. Speaker, first I yield five minutes to the gentleman from Wisconsin [Mr. FREAR].

Mr. FREAR. Mr. Speaker and gentlemen of the House, this flood control bill as now reported by the conferees is accepted, as I understand it, by the Attorney General and by those who were in the President's conference. They have agreed to it as a compromise, and to my mind it is a very satisfactory compromise, depending upon the legal interpretation that is to be had hereafter. I shall speak of one or two points which were in controversy and were discussed in the House quite fully during debate upon the bill. In section 3, it will be remembered, there is a provision relating to forcing waters across the Mississippi River by reason of levees constructed by the Government, and the consequent damage to those living on the opposite side of the river. In section 3 there has now been inserted this provision:

lands in such stretch of the river subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river.

Any additional damage caused by the Government should be paid, so far as the damage is concerned. The only criticism that rises in my mind is whether or not the Government should buy the flowage rights instead of permitting the damage to be recovered by court action.

Mr. GARRETT of Tennessee rose.

Mr. FREAR. In just a moment. In section 4 the same result, apparently, is reached, to be determined by legal construction of the word "additional" inserted before "destructive flood waters." The chairman of the committee will correct me if I am not stating this correctly. That word provides, in effect, that in these flood ways, where they have been used heretofore for flood ways, no damage can be collected from the Government unless it is "additional" damage due to the construction of levees. Where the use of the flood ways creates additional overflow because of greater floods caused by the works, then the Government might properly be held responsible to the extent of providing land for such additional overflow or flowage rights. Actual damages to be recovered by court action would be preferable.

Those are the two principal provisions in controversy. Of course, the effect of this change is to strike out the enormous expenditure of two or three hundred million dollars for buying up whole flood ways that we have had in the bill heretofore.

Mr. BOX rose.

THE ADMINISTRATION PLAN ACCEPTED BY CONFEREES IS 100 PER CENT BETTER THAN THE SENATE BILL

Mr. FREAR. In just a moment. A third proposition which, to my mind, is important provides that benefits shall be charged or credited or offset against any damages, which is certainly proper and has been our contention at all times. The commission feature now in the bill is, of course, far preferable to that which was provided in the Senate bill, and the bill as presented to you by the conferees, as influenced by the advice of the President and his advisers, in my judgment is 100 per cent better than the bill as it came from the Senate. It is also far preferable to the bill that was discussed here in the House. As long as it is also acceptable to those who have the final say in its determination, I am satisfied with it. [Applause.]

A brief examination has only been afforded of all the amendments, but the conference report on the flood control bill in some respects presents an entirely different bill from that which passed the Senate unanimously or that which was afterwards reported to the House by the House committee and thereafter passed.

A VETO WOULD HAVE BEEN SUSTAINED. IT WILL NOT BE NEEDED NOW TO GET FAIR FLOOD LEGISLATION

In the week's discussion of the flood control bill when before the House different objectionable features connected with the

bill were pointed out, apparently successfully, judged by the final vote of April 24 to recommit the bill and substitute the measure recommended by the Attorney General. On this motion 139 votes for recommitment with 28 pairs totaled 167 votes for the substitute proposal and gave positive assurance that in case of a veto of the flood control bill because of its objectionable features, such veto would be sustained by the House.

With that certainty the Executive, with the aid of the Attorney General and Chief of Engineers, has been able to secure modifications of the bill so that it is far less objectionable than the bill passed by the House as stated, and it is a vast improvement over the carelessly drawn bill passed by the Senate.

No attempt will be made to point out all of the important changes in a bill which it was predicted by Army engineers would cost the Federal Government from \$1,000,000,000 to \$1,500,000,000 as passed by the Senate, although a misleading amount of \$325,000,000 was carried in the Senate bill.

#### NOT TO COST MUCH MORE THAN THE ARMY ENGINEERS' PLAN

Several specific amendments accepted by the conferees have been briefly referred to. Their adoption ought to materially reduce the cost estimate to an amount not far in excess of the \$300,000,000 in round numbers estimated for the General Jadwin plan of flood control rejected in its local contribution features by both House and Senate bills.

A provision inserted in the Attorney General's substitute bill offered on the motion to recommit required that States or local interests furnish rights of way for flood-way levees and also a provision recommended by the Army engineer's plan for small local contributions are omitted from the conferees' bill. To that extent it is a departure from the policy heretofore adopted by the Federal Government. It also affords invitation for subsequent flood-control projects to evade contribution because of this precedent.

The following changes, however, in the original Senate and House bills are of vast importance, and in substance far overshadow the objections mentioned:

First. The amendment accepted by the conferees under section 1 now provides that the President shall determine the flood plans and other important questions which are to be submitted to him, and that the board temporarily formed for the purpose of recommending plans shall have no power or authority in respect to the project excepting to recommend to the President. This places responsibility with the Executive, and is a protection to the Government not afforded by the original bills, that left large powers to a mixed politically formed board.

Second. The commission or board, consisting of the Chief of Engineers, the president of the Mississippi River Commission, and a civil engineer, with duties confined to a submission of Mississippi River plans, is infinitely preferable to the commission provided in the Senate bill that, as stated, was reasonably certain to develop into a political commission in course of time. Proposals in other bills to have many millions of dollars of existing levee indebtedness assumed by the Federal Government through action by such commission affords an understanding of a danger that has been thus avoided.

#### \$71,000,000 RAILWAY PAYMENT STRICKEN OUT

Third. The provision contained in section 4 of the Senate bill and also as reported in the House bill granting unlimited damages to public-service corporations has been stricken from the bill. The provision, urged by railway engineers before our committee, contemplated a payment by the Federal Government to their roads of over \$71,000,000 for relocating their roads in the flood ways and elsewhere. That provision has been eliminated from the bill by the conferees.

Fourth. Under the House bill as passed by the House it was provided in section 3 that the Government should acquire absolute ownership of land or flowage rights where lands along the banks of the Mississippi River are damaged by the construction of flood-control works.

This provision as passed by the House might have included lands heretofore subject to flowage all along the river and would have occasioned heavy expense to the Government because of that fact.

As reported by the conferees, section 3 is now changed so as to provide liability only "for damages for lands not now overflowed." This amendment is not subject to reasonable objection, although the provision is subject to difficulties and possibly unnecessary expenditures because the Government will not be limited to "damages" to be collected by court procedure but upon proof of damages not heretofore suffered it may be the duty of the Federal Government to acquire absolute ownership or flowage rights to such lands.

The distinction between a remedy of damages and an alternative of purchasing flowage rights was discussed when the flood-control bill was before the House and also by the Attorney General's substitute, which limited relief for damages to damage suits.

Fifth. The main cause of contention throughout the debate of several days was section 4, which provided that the Government should provide flowage rights for 4,000,000 acres of land or for any additional or less amount required for the flood ways.

Army engineers have estimated these costs would reach from \$25 to \$75 per acre, and presumably would cost the Government through condemnation suits or purchase over \$200,000,000 just for flowage rights in the flood ways. It was also disclosed that 17 per cent of the owners of flood way lands owned 77 per cent of such lands.

#### BILL NOW STRIKES OUT 4,000,000 ACRE PURCHASE

The conferees, according to the report, have changed section 4 in two particulars, as stated, first by inserting the word "additional" before the words "destructive flood waters," so that it is understood the Government will only be liable for any new or additional damages in the flood ways that may be occasioned by the construction of flood-control works. If this construction is correct—and it has been passed upon by the Attorney General—then it will avoid any necessity for purchasing the 4,000,000 acres of lands which have heretofore been subject to overflow. Only a small fraction of such lands will be subjected to new overflow according to the engineers. This was an indefensible objection to the Senate and House bill which is now eliminated.

A second material amendment to section 4 has been agreed upon in the conferees' report, which provides "that in all cases where the execution of the flood-control plan herein adopted results in benefits to property such benefits shall be taken into consideration by way of reducing the amount of compensation to be paid." This recognizes and puts into effect the policy of offsetting benefits against damages, and is an important protection to the Government not recognized in the bill as passed by the House.

#### LOCAL CONTRIBUTION OF ONE-THIRD OF COSTS HEREAFTER TO BE DECLARED

Sixth. An important provision not found in the Senate bill but reported in the House bill is that which provides that in work on the tributaries "local interests shall provide rights of way without cost to the United States, contribute 33 1/3 per cent of the cost of the works, and maintain the works after completion." This provision sets forth a flood policy hereafter to be adopted by the Federal Government.

The modifications in the bill speak for themselves, and were made possible by the fact that without modifications there was strong possibility that the bill could not become law, due to Executive opposition. To the President and his advisers belongs the credit for removing some of the most objectionable features of the bill.

In its present form the bill is not entirely all that could be desired to protect the Government, but due to the threatening situation in the Mississippi Valley flood-control works must be constructed without delay. For this reason in their efforts to reach a satisfactory compromise the conferees of both Senate and House are entitled to commendation from every friend of and sympathizer with the flood-control problem.

To those minority members of the committee, and to the Members of the House who by their action and vote on the motion to recommit brought about a situation that protected the rights of the Federal Government, thanks are due. As stated at the outset of the discussion, we have a responsibility toward the Federal Government as well as to our own States and local constituencies, and that has been fairly recognized in mutual efforts to secure a satisfactory bill.

Mr. REID of Illinois. Mr. Speaker, I yield five minutes to the gentleman from Illinois [Mr. DENISON].

Mr. DENISON. Mr. Speaker, I want to commend the action of the managers on the part of the House for the splendid work they have done in reaching an agreement on this bill. I think they did good work, and they deserve a great deal of credit for what they did. They had some very serious difficulties to overcome in order to get an agreement and get a bill that would be satisfactory. Of course, as will often happen, however, some unwise provisions have crept into the bill, and I want to call attention to one of those provisions. I think I should do that at this time, before the bill becomes a law, because I think sooner or later it will be necessary for Congress to amend the bill.

In section 6 it is provided that the fund appropriated under the bill may be expended for the construction of flood works and levees on the Mississippi between Rock Island and Cape



Girardeau, Mo.; but on that part of the river the local levee districts or the States under this provision have to provide not only the ground where the levees are built but will have to furnish 33 1/3 per cent of the funds for the construction of the levees and maintain them after they are built. Of course, you understand that below Cape Girardeau, Mo., the Government pays all of the costs of constructing the levees, but above Cape Girardeau the local districts will be required to pay 33 1/3 per cent of the cost. I do not think there is any justification for such a distinction on different parts of the Mississippi River. It is also provided that on the tributaries of the Mississippi River, which are affected by the floods of the Mississippi, the local districts have to pay 33 1/3 per cent of the levees on those tributaries. Let me show you the injustice of that. I am not criticizing the conferees or the committee. I think they did the best they could do, but I merely wish to call the attention of the House to the injustice of that provision. Let me illustrate it by the city of Cairo, Ill. Cairo is situated on the narrow point where the Ohio and the Mississippi come together. On the Mississippi side the Government will pay for all expenses of flood protection. Just around the point on the other side of the city—the city faces both rivers—where the Mississippi River water backs up into the Ohio, just as high as in the Mississippi, the city might have to pay 33 1/3 per cent of the cost of levee protection upon that side. The Mississippi River causes the danger on both sides of the city. On one side the city might have to pay one-third of the flood protection, while on the other side the Government will pay it all.

Mr. NEWTON. What is the reason for the distinction?

Mr. DENISON. There is no reason, but I assume the conferees had to accept that or not have any legislation. Sooner or later Congress will have to correct that provision. The Mississippi River, in the flood of 1927, cut across into the Ohio River above the city of Cairo, and ran entirely around the city, so you can see that the Mississippi River flood is often the only source of danger to the city of Cairo. So the same rule as to costs ought to apply on both sides of the city, because the source of danger is usually the same.

I merely use the situation at Cairo as an illustration of the point I am trying to make with reference to one provision of the bill as agreed to by the conferees. As a matter of fact, we all understand that Cairo will be protected by the flood way provided across the river in Missouri, especially if the Jadwin plan adopted by the bill is not changed by the action of the board. If the board should change the Jadwin plan for the protection of Cairo, and if a plan to protect Cairo would provide only for levees, then we can all see that a great injustice will have been done to the people of Cairo and to Mound City and Mounds, just above Cairo. Cairo can not stand higher levees. Cairo will not be secure until the flood level of the Mississippi River is materially reduced, as provided in the Jadwin plan. If the board should unfortunately decide to reject the Jadwin plan for the protection of Cairo and approve a plan for higher levees there, I would be compelled to file a bill to amend the flood control bill at least to the extent of providing that the same rule with reference to paying for the costs of levees should apply on the tributaries of the Mississippi River as far as they are directly affected by the floods of the Mississippi River. Every reason that would justify the payment of all costs by the Government for levees on the Mississippi River would suggest that the Government pay all costs of levees on the tributaries of the Mississippi River as far back as such tributaries are directly flooded by the waters of the Mississippi River. Above those points there is justification for an apportionment of costs to local levee districts for constructing levees on the tributaries. The Mississippi River floods endanger Mounds and Mound City just above Cairo on the Ohio River when the Ohio River is in flood, and the Government should pay all costs for the protection of those cities. But if the Jadwin plan is followed and the flood level of the Mississippi River at Cairo is lowered by a diversion channel on the opposite side, then, of course, Cairo and Mound City will alike be fully protected. And I wish to say that the people of Cairo and southern Illinois are depending upon full adherence by the board to the Jadwin plan for their protection.

Mr. REID of Illinois. Mr. Speaker, I yield myself five minutes.

The SPEAKER. The gentleman from Illinois is recognized for five minutes.

Mr. REID of Illinois. Mr. Speaker, the important changes are only three in number. I will begin backwards. In the first section we provided for the planning board composed of the Chief of Engineers, the president of the Mississippi River Commission, and one civil engineer. In that same section we

provided that they should have no other power or authority except to try to make the two flood-control plans consistent.

In section 10 it was provided in the bill as it passed both Houses that certain surveys of the tributaries and reservoirs be referred to this same board. To make it consistent with the provision in section 1 the conferees recommend that section 10 be amended so that the surveys of the tributaries will be reviewed by the Mississippi River Commission instead of by the planning board. That change was authorized by House Concurrent Resolution No. 34, which was adopted here yesterday.

The next important section is the so-called flowage-rights section. I think we have the language corrected to meet the views of nearly everyone in the House. The United States will not now have to pay for flowage rights over lands now used in conducting the destructive water from the main Mississippi River. It was cured very simply by the addition of the word "additional." If the work puts any additional flood destruction on those lands, that must be provided for. In the same paragraph it was provided in the House amendment that the diversion must be regulated or controlled or confined. We struck those words out and referred it to the board.

Then the only other provision was the so-called Garrett amendment. We changed the House amendment so that the additional damage caused by the construction work would come within their purview as the objection was made to giving them the right to collect damages.

Mr. GARRETT of Tennessee. I observe there has been inserted in that amendment which vitally affects the interests of my State the words, "not now flooded or damaged." I would like to ask the gentleman this question: As is well understood by the gentleman and the gentleman's committee, by reason of work on the opposite side now in existence, and by reason of work that will be erected in the future, not only levees that will cause water to come over on Tennessee that does not belong there, but also revetment work for the protection of the west bank levees, in all probability there is going to be a continuation and increase of the bank erosion on the east side. Does the gentleman think, under the language as it now reads, the damage by erosion will be taken care of?

Mr. REID of Illinois. I will answer that by saying to you that I do not think the additional words change your position one bit, and if you refer to the paragraph you will see why. The paragraph now reads:

No liability of any kind shall attach to or rest upon the United States for any damage from or by floods or flood waters at any place: *Provided, however,* That if in carrying out the purposes of this act it shall be found that upon any stretch of the banks of the Mississippi River it is impracticable to construct levees, either because such construction is not economically justified or because such construction would unreasonably restrict the flood channel, and lands in such stretch of the river are subjected to overflow and damage which are not now overflowed or damaged by reason of the construction of levees on the opposite banks of the river it shall be the duty of the Secretary of War and the Chief of Engineers to institute proceedings on behalf of the United States Government to acquire either the absolute ownership of the lands so subjected to overflow and damage or floodage rights over such lands.

And then the words that the gentleman objected to, "which are not now overflowed or damaged." I think if it can not be economically justified they must find a substitute, and that substitute, in my opinion, would be to acquire flowage rights made necessary by the construction on the other side of the river.

I do not think the addition of those words makes any change in the amendment the gentleman submitted.

Mr. GARRETT of Tennessee. And if the original amendment embraced erosion, and the words "not now flooded or damaged" retained, the gentleman thinks it would still embrace erosion?

Mr. REID of Illinois. My idea is that any flood-control works erected under this act, thereby damaging the land on the other side to a different extent from that existing before the flood-control works were erected, would come within that amendment.

Mr. GARRETT of Tennessee. The question of national liability is recognized in the amendment?

Mr. REID of Illinois. Yes. It is the first time it has been recognized that it is a duty to take care of that side of the river.

Mr. CHINDBLOM. Only by reason of additional damage due to the works constructed under this act?

Mr. REID of Illinois. Yes.

Mr. QUIN. Mr. Speaker, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. QUIN. We have levees constructed doing damage now. The levees on the other side have caused us damage.

Mr. REID of Illinois. All right. The amendment you submitted makes it the duty to provide levees. Failure to provide levees because not economically justified makes it necessary to pay flowage rights or damages on those that exist at the present time.

Mr. BOX. Mr. Speaker, will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. BOX. The gentleman provides additional damages done by reason of the increased flow, as I understand it. How will such damages be ascertained?

Mr. REID of Illinois. There is no method provided under the bill.

Mr. BOX. Will they have the right to proceed in court for the collection of such damages?

Mr. REID of Illinois. This is the first time that any right has been recognized on the part of the individual owner against the Government for any flood-control damages.

Mr. BOX. And does the gentleman believe we will have the right to proceed in court for the collection of such damage without the permission of Congress hereafter?

Mr. REID of Illinois. I think it creates a right, and I presume every right in court follows the creation of that right.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. WHITTINGTON. I call attention to the fact that there is no inhibition in the project with reference to the construction of revetments on the bluff side and that, as a matter of fact, revetments have been constructed in the vicinity of Natchez on the bluff side.

Mr. REID of Illinois. In regard to the question raised by the gentleman from Illinois [Mr. DENISON], I think his criticism is not well directed for the reason that the project takes care of Cairo and consequently it would come within the project whether or not that happens to be on the Ohio side or the Illinois side. That was my construction of it, that Cairo was a part of the project and consequently it would be necessary to take care of Cairo because it was within the project and would not come within the so-called tributary section. I think those are the main points, and I think we have gone over them fully.

Mr. FULBRIGHT. Will the gentleman yield?

Mr. REID of Illinois. Yes.

Mr. FULBRIGHT. The gentleman is familiar with what is designated as the New Madrid flood way in the Jadwin plan and spoken of in this bill. That plan provides for the cutting down of the levee that now exists along the Missouri side and provides for the construction of a new levee 5 miles west, and, I presume, it takes in the land intervening between the two levees as a flood way.

Now, under the provisions of this bill as amended, will the landowners between the existing levee that is to be cut down 5 feet and the new levee that they propose to erect 5 or more miles to the west be entitled to flowage rights?

Mr. REID of Illinois. The gentleman can answer it himself. Does it put additional destructive flood waters down there?

Mr. FULBRIGHT. Well, I think the gentleman is familiar with this situation.

Mr. REID of Illinois. That is the only way I can answer it. If the Government puts additional destructive flood waters down there, of course they would be entitled to flowage rights.

Mr. CHINDBLOM. If the chairman is going into a discussion of facts relating to various localities, I am afraid we will get far afield from the principles underlying this legislation.

Mr. REID of Illinois. I think that is so and that is the reason I answered the gentleman as I did. If that puts additional flood waters down there, then you come within the purview of the act and the Government would have to acquire the flowage rights.

Mr. Speaker, I move the adoption of the conference report.

The conference report was agreed to.

On motion of Mr. REID of Illinois, a motion to reconsider the vote by which the conference report was agreed to was laid on the table.

#### THE JURISDICTION OF THE INTERSTATE COMMERCE COMMISSION OVER INTERURBAN ELECTRIC LINES

The SPEAKER. Under special order of the House the Chair recognizes the gentleman from South Carolina [Mr. STEVENSON] for 15 minutes. [Applause.]

Mr. STEVENSON. Mr. Speaker and gentlemen, in 1911 an interurban electric railroad system was chartered in South Carolina to be extended from Greenwood, by way of Anderson, Greenville, Spartanburg, Gaffney, and Grover, to Gastonia, N. C. Of course, the charter in South Carolina only applied to

that State, about 115 miles. At the same time North Carolina chartered an interurban system also to meet with it and be a part of it, to extend from the North Carolina line, by way of Kings Mountain, Gastonia, Charlotte, and Salisbury, to Winston-Salem. The construction was begun and they completed 90 miles from Greenwood, S. C., to Spartanburg. When the war came on construction stopped at Spartanburg and construction from Charlotte south stopped at Gastonia, leaving a gap of 60 miles in there to be joined up. That stood until 1926. The charter in the meantime had been extended by the Legislature of South Carolina and, I believe, by the Legislature of North Carolina, and they got ready to join this up and make the extension to Salisbury and Winston-Salem, N. C.

The Southern Railway has always occupied that territory with a splendid system, as good as there is in the world, and it occupies it to-day with a double track from this city to Atlanta, Ga. They opposed the completion of this system. It was brought before the Interstate Commerce Commission, and the question was raised whether it had jurisdiction to keep them from building. Under the Esch-Cummins Act jurisdiction was given to the Interstate Commerce Commission to either give or withhold a certificate. If the commission gives such a certificate the railroad can be built; and if they do not, the railroad can not be built. Without that certificate railroads can not be constructed any more, in so far as ordinary railroads are concerned.

The Interstate Commerce Commission has heard the matter at some length and has decided that it has jurisdiction, that there is no public convenience served, and therefore it has refused this permission, with three or four dissenting members.

Now, I want to discuss for a few minutes the genesis of this trouble and see whether they are justified in extending their jurisdiction over this railroad.

I assert that it is in keeping with the determination to have a transportation monopoly in this country consisting of the railroads that now exist; that it is a throttling of extensions of roads where there are no railroads; and that it is giving to the Interstate Commerce Commission jurisdiction to which that commission is not entitled.

When the Esch-Cummins Act came up for consideration it contained this provision, subdivision 21 of section 1. It is now subdivision 22, all of the subdivisions having been advanced one number:

The authority of the commission conferred by paragraphs (17) to (20), both inclusive—

It is now 18 to 21—

shall not extend to the construction or abandonment of side tracks, or of spur, industrial, team, or switching tracks, or of street car and electric interurban lines, if such tracks or lines are located or to be located wholly within one State.

You will notice this confined the jurisdiction to interurban lines and other lines that cross a State line but did not extend to those wholly within the State.

I had this very situation in mind because it runs across my district. I offered an amendment, and we debated it for two or three hours, and finally Mr. Esch and myself got together on language which was much better than that which I had offered, and Mr. Esch finally offered this amendment:

Mr. ESCH. Mr. Chairman, I desire to offer a substitute to the amendment of the gentleman from South Carolina.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

"Amendment offered by Mr. Esch: Page 53, line 13, strike out lines 13, 14, 15, and 16 and insert in lieu thereof the following:

"To the construction or abandonment of any line located or to be located wholly within one State or to any street car or electric interurban line."

The Chairman required the Clerk to report the language as it would read, and he so reported it.

The paragraph as amended read:

The authority of the commission conferred by paragraphs 17 to 20, both inclusive, shall not extend to the construction or abandonment of any line located or to be located wholly within one State or to any street car or electric interurban line.

In this way we enacted the law. You will notice that the distinction was made that certain lines used by steam tracks, side tracks, and spur tracks had to be located within a State to be exempt from this jurisdiction, but any street car or electric interurban line was exempted from the jurisdiction. This point came up and this question was raised, and the act was finally enacted in the following language—the Senate, of course, had to do something. It had to amend this somehow, and they put it in this way:



The authority of the commission conferred by paragraphs 18 to 21, both inclusive, shall not extend to the construction or abandonment of spur, industrial, team, switching, or sidetracks located or to be located wholly within one State.

Now, that is one complete sentence. This follows:

Or of street, suburban, or interurban electric railroads which are not operated as part or parts of a general steam railroad system of transportation.

You have there two classes that were exempt—the spur tracks and other kinds of tracks connected with steam railroads that were located wholly within the State and the electric lines, interurban, or street railways that were not operated as a part of a steam railroad system. These were the two.

Now, what does the commission say? Nobody claims that this system is operated as a part of any steam railroad system, but they say, forsooth, because it is built on better lines than the Southern Railway was at the time, and its bridges are better than the Southern Railway had at that time, and it is prepared to haul as heavy freight trains as the Southern Railway, and does haul as heavy freight trains as the Southern Railway. "We class it as a commercial steam railroad," although it has never had a steam engine on it and it is not contemplated to put any on it.

The people who control it have developed wonderful power there, and they are making a wonderful accession to property and wealth and industry and population in that part of the country, and they propose to continue to do it by electricity.

This is their proposition. They say we will class it as a steam railroad—as a commercial railroad.

Suppose you adopt their classification as a commercial electric railroad separate and distinct from an interurban railroad? Then it is not embraced in this bill. You would have a street railway that would be subject to the jurisdiction of the Interstate Commerce Commission if it were operated in conjunction with a steam railroad system, but you would not have, if it were operated in conjunction with an interurban commercial railroad system, which is something that was born in the brain of the ingenuity of the people who do not want any more transportation in that country.

Very aptly Mr. Brainerd, one of the commissioners, in the dissenting opinion says:

The act does not distinguish between a "commercial railroad operated by electricity" and an interurban electric railroad not operated as a part of a general steam-railroad system of transportation, and we can make no such distinction.

There is no such distinction as a commercial interurban system from the ordinary interurban system.

The commission in order to justify this decision cited a statute of South Carolina, and it started in the middle of the section and cited only that part that seemed to justify their action. They say:

The statutes of South Carolina provide that the phrases "interurban railroad" or "interurban railway" shall be construed to include all railroads and railways operated by electricity whose main business consists in the transportation of passengers from one municipality to another.

Well, that sounds as if they did intend to limit it, does it not? But that simply gives you an idea of the candor of the commissioner who wrote the opinion.

I just want to show you what that statute says, and you will see at once that it is a case of misapplication of a statute, and that they certainly ought to have had sufficient intelligence to have discriminated:

In the construction of this section (which is section 4 and section 5) the phrases street railroad or street railway shall be construed to include all railroads and railways operated by electricity whose main business consists in the transportation of passengers between different points within the limits of a municipality, and the phrases "interurban railroad" or "interurban railway" shall be construed to include all railroads and railways—

This is where they began to quote—

operated by electricity whose main business consists in the transportation of passengers from one municipality to another.

Now, what was section 5? Section 5 is the section requiring them to have vestibules on all interurban railroad cars for the protection of passengers and motormen, and expressly so states. In other words, the Legislature of South Carolina was providing for vestibules on the passenger cars of interurban railroads, and has expressly stated that this was for the protection of passengers and of motormen, and they said that in so far as they are concerned interurban railways shall be held to be embraced in any electric railroad that carries passengers.

They take that and make what South Carolina did not intend an interurban railway in their charter. You will see when you read both sections that it did not intend anything of the kind. Not only that, but if that was true of all the railroads it would have required every interurban railroad that carried freight to put a vestibule on its freight cars, which is absurd.

Then they tried to tie up North Carolina with this proposition. There is the case of Kirkpatrick in the Sixty-seventh North Carolina, page 477. That North Carolina case was where an abutting landowner on a street was suing the interurban railroad for damages to his property because they were operating freight cars up and down the street. In other words, they had a freight system, and the supreme court of the State said that street railways would not be liable to the abutting landowner, but they said that so far as the right of the abutting landowner was concerned they would have the same right as against the interurban as against the steam railroad.

What is the upshot of this? Here is a territory teeming with industry, the center of the manufacturing country of the Southland—I have been familiar with that country all my life—I was raised in it—there has not been in that country 100 miles long and 100 miles wide—more than 100 miles of railroad constructed within my memory for 50 years. I mean the territory between the Broad and the Yadkin and the North Carolina line and the Blue Ridge.

Now, the development is beginning, it has reached out, and capital is flowing in, and full development is going on, and the opportunities for development are unlimited for the prosperity of this country. The people are ready to put up their money and build those instrumentalities which are desirable over the Piedmont country, establish factories, and the Interstate Commerce Commission says no, you can not do it, you have the Southern Railroad and that is good enough.

I have no disposition to criticize that splendid system, but there is nothing so perfect that it can do everything and I submit that it is absolutely outrageous and an invasion of the rights of the State and an infraction of the provisions and a perversion of the statute that Mr. Esch wrote, and he dissented like a man from the decision made in the case.

Mr. ABERNETHY. The State of North Carolina, as well as South Carolina, is back of this proposition?

Mr. STEVENSON. Yes.

Mr. NEWTON. Will the gentleman yield?

Mr. STEVENSON. Yes.

Mr. NEWTON. How many of the commissioners dissented?

Mr. STEVENSON. Mr. McManamy, Mr. Esch, and Mr. Brainerd.

Now, I thank the House for the opportunity of addressing it. There is a bill pending in which it is proposed to take the jurisdiction away from the Interstate Commerce Commission and I submit there ought to be some action upon it. [Applause.]

#### REAPPORTIONMENT OF REPRESENTATIVES

The SPEAKER pro tempore (Mr. FENN). Under the special order, the Chair recognizes the gentleman from New York [Mr. JACOBSTEIN] for 20 minutes.

Mr. JACOBSTEIN. Mr. Speaker and Members of the House, I am taking this opportunity to address the Members on a subject which may come to a vote in the House in a very few days.

I am going to address myself to the subject of reapportionment of the membership of the House of Representatives, a subject not only of importance to every Member of the House but to every portion of the United States.

I do not know whether you realize that every day we sit here, every day Congress is in session, we are violating the very first articles of the Constitution of the United States. You may talk all you want about the observance by the States and citizens of the fourteenth amendment or the fifteenth amendment or the eighteenth amendment of the Constitution, the cold fact remains that for the last eight years the very first article of the Constitution of the United States has been violated every day by ourselves—the Congress.

We can not hope to have the respect for the Constitution from citizens of this country unless we as a Congress respect the Constitution ourselves.

Here are the constitutional provisions regarding apportionment:

ART. 1, SEC. 2. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of 10 years, in such manner

as they shall by law direct. The number of Representatives shall not exceed 1 for every 30,000, but each State shall have at least one Representative.

AMENDMENT XIV, SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. \* \* \*

The first proposition I lay down is that the Constitution of the United States describes very definitely that we "shall" reapportion this House every 10 years. It is true there is no explicit mandate to that effect, and there are some constitutional lawyers who maintain that is discretionary with the Congress itself. The fact remains, however, that for 120 years this provision of the Constitution was very religiously adhered to and was very consistently and uniformly observed. Thirteen times we have reapportioned the Congress of the United States, as shown in the following table:

*The membership and ratio of the different apportionments heretofore had and when enacted*

Census	Date of apportionment act	States	Members	Ratio
1790	1789	13	65	30,000
1800	Apr. 14, 1792	15	105	33,000
1810	Jan. 14, 1802	16	141	33,000
1820	Dec. 21, 1811	17	181	35,000
1830	Mar. 7, 1822	24	213	40,000
1840	May 22, 1832	24	240	47,700
1850	June 25, 1842	26	223	70,680
1860	May 23, 1850	32	234	93,423
1870	May 23, 1860	34	243	127,381
1880	Feb. 2, 1872	37	293	131,425
1890	Feb. 25, 1882	38	325	151,911
1900	Feb. 7, 1891	44	356	173,901
1910	Jan. 16, 1901	45	386	194,182
	Aug. 8, 1911	46	433	211,877

The first break in that fine tradition came in 1920. There is a feeling abroad in the land that the Congress of the United States ought to be a little more meticulous in the observance of the Constitution.

We talk loudly and a whole lot about representative government. Do you believe in representative government? Do you think that we really have representative government when 13,000,000 people (which represents the increase in population from 1910 to 1920) are to-day without proper, fair representation as a result of our failure to reapportion the House? Let me illustrate how this representative government of ours works. We have a Representative in Los Angeles, our colleague, Mr. CRAWFORD, who represents a million and a quarter people. Each one of you please compare that with the representation in your own individual districts. The average is about 225,000 to 250,000. Is there any equity in that situation? Can anyone say that we have a representative government in the United States when a man in Detroit, Mich., has in his district 750,000 to 800,000 people as against a bare one-quarter of a million for the average Representative? Most assuredly this is a travesty on representative government.

Mr. RAMSEYER. Mr. Speaker, will the gentleman yield? Mr. JACOBSTEIN. Yes, indeed.

Mr. RAMSEYER. That inequality, of course, can be greatly relieved by the legislatures of those States.

Mr. JACOBSTEIN. That is true as within the States, but it does not correct the inequality as between States. California, for instance, was entitled to three additional members on the basis of the 1920 census returns, whereas Missouri would have lost two Members if the House membership had been retained at 435.

The following table shows the gains and losses that would have occurred if the 1920 reapportionment had gone into effect on the basis of a House membership of 435, 460, and 483 respectively:

State	Number of Representatives	Compared with present House		Number of Representatives	Compared with present House		Number of Representatives	Compared with present House	
		Gain	Loss		Gain	Loss		Gain	Loss
United States	435	12	12	460	27	2	483	48	
Alabama	10			10			11	1	
Arizona	1			1			1		
Arkansas	7			8	1		8	1	
California	14	3		15	4		16	5	
Colorado	4			4			4		
Connecticut	6	1		6	1		6	1	
Delaware	1			1			1		
Florida	4			4			4		
Georgia	12			13	1		13	1	
Idaho	2			2			2		
Illinois	27			28	1		30	3	
Indiana	12		1	13			13		
Iowa	10		1	11			11		
Kansas	7		1	8			8		
Kentucky	10		1	11			11		
Louisiana	7		1	8			8		
Maine	3		1	3		1	4		
Maryland	6			6			7	1	
Massachusetts	16			17	1		18	2	
Michigan	15	2		16	3		17	4	
Minnesota	10			10			11	1	
Mississippi	7		1	8			8		
Missouri	14		2	15		1	16		
Montana	2			2			2		
Nebraska	5		1	6			6		
Nevada	1			1			1		
New Hampshire	2			2			2		
New Jersey	13	1		14	2		14	2	
New Mexico	1			2	1		2	1	
New York	43			45	2		47	4	
North Carolina	11	1		11	1		12	2	
North Dakota	3			3			3		
Ohio	24	2		25	3		26	4	
Oklahoma	8			9	1		9	1	
Oregon	3			3			4	1	
Pennsylvania	36			38	2		40	4	
Rhode Island	2		1	3			3		
South Carolina	7			7			8	1	
South Dakota	3			3			3		
Tennessee	10			10			11	1	
Texas	19	1		21	3		21	3	
Utah	2			2			2		
Vermont	1		1	2			2		
Virginia	10			10			11	1	
Washington	6		1	6		1	6		1
West Virginia	6			6			7	1	
Wisconsin	11			12	1		12	1	
Wyoming	1			1			1		

Mr. RAMSEYER. We are not responsible for the districting within the States.

Mr. JACOBSTEIN. That is true as within States, but our's is the duty to wipe out inequalities as between States. It was

to adjust ourselves to that fluctuation, to that shifting of population that the framers of the Constitution provided that there shall be an enumeration every 10 years. There has been either an increase or a shifting of population between the rural and



industrial centers of the United States every 10 years from the beginning. A decennial census and a decennial reapportionment was specifically provided for to make our Government strictly representative.

Mr. RAMSEYER. I do not want to leave the impression, of course, that I do not think that the Congress should act in reapportioning the House of Representatives every 10 years. I think it is the duty of the Congress, and that Congress has neglected that duty.

Mr. JACOBSTEIN. I am glad to have the gentleman from Iowa support my contention that Congress has neglected its duty, and that is the first point that I make. The serious consequences of the neglect are brought home to every Member of this House when he stops to realize the great disparity in representation as measured by population in the various districts of the United States.

Mr. HOCH. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes; gladly.

Mr. HOCH. I agree with the gentleman as to the constitutional duties, but there is one phase of the matter to which I think attention has not been called, and that is the practical phase. Some Members are in favor of 435 Members, some in favor of 300, and some in favor of 460. Assuming that all are honest in their opinion, and you can not get a majority who favor any one number, how can you carry out the mandate of the Constitution? Whose duty is it to surrender to the other fellow's opinion?

Mr. JACOBSTEIN. I am going to answer that question by passing to my next point. The gentleman has anticipated my next proposition, which is this: Ever since the foundation of our Government there has been a deadlock in Congress over the question as to what should be the size of the House. I have read all of the debates from the beginning on this subject, and in every Congress every 10 years the subject comes up, "What shall be the size of the House?" As a matter of fact, there has usually been a compromise. The way they have solved it in the past was very simple. They always increased the size of the House to take care of most of the States. They did that every time but once. That exception occurred in 1840, when a slight decrease was made in the size of the House. Usually whenever any Member feared that reapportionment might affect adversely his State and he opposed reapportionment, they satisfied him by increasing the size of the House. This solution was simple up to 1920. Up to that time the size of the House kept rolling up, satisfying most of the States of the Union, even those States that had a decrease in population between the census periods. Have I answered the question?

Mr. HOCH. The gentleman has answered how they solved it.

Mr. JACOBSTEIN. They solved the problem by always increasing the size of the House. I imagine the increases were always a little larger than normal because of the compromise effected.

Mr. HOCH. But I am talking about where you do not want to solve it in that way.

Mr. JACOBSTEIN. Well, let us see. In 1920 there came a deadlock. If we had kept the House as now constituted at 435, there would have been a considerable number of States—11—which would absolutely have lost in their membership. Eleven States would have lost representation in this House at that time. Naturally they objected to it. That is human nature. They wanted to protect their own districts and their own States. There was a compromise proposed of 460, which did not satisfy the House, and the bill was recommitted and all chance of reapportionment shattered at that session of Congress. Some Members from California and Michigan who anxiously desired reapportionment voted to recommit the bill rather than agree to a House larger than 435.

Of course, 483 would have taken care even of Maine and Missouri, the States which relatively lost most in population in the decade from 1910 to 1920. The point is that there were some Members of the House who wanted the membership increased to 483 to take care of everybody. Many want a House of 460, but there was a considerable body of opinion which said that we ought to keep the House down to 435 for the sake of efficiency. They split on that rock, and so the bill was recommitted, and every year since that time every effort to secure reapportionment on the basis of 1920 met with defeat in the committee and on the floor of the House.

Mr. RAMSEYER. If the gentleman will permit, in January, 1921, the bill passed the House, but it died in the Senate.

Mr. JACOBSTEIN. That is true, and I thank the gentleman for refreshing my memory on that matter. The Senate failed to act on it. It came up again in the House and the bill was recommitted by the House and since that time it has never come up because the Census Committee has never favorably

reported a reapportionment bill upon the basis of the 1920 returns. I may say in passing that in the Census Committee the argument against the use of the 1920 figures of population was always made that they contained too great an element of error adverse to the rural regions.

Mr. RAMSEYER. I wish to say the House did favor action of the bill to hold the membership down to 435.

Mr. JACOBSTEIN. Yes. I am glad the gentleman made that point. The action of this House in that regard, if it means anything, means that they favor 435. They favor a House having a membership of 435; and because a membership of 435 would have adversely affected 11 States, we never have been able to get a bill through. Remember that 11 States mean 22 Senators. I call your attention to the fact that in 1930, if we try to hold the membership of the House down to 435, 17 States are likely to be affected, representing 215 members of the House.

The following table represents the States which would lose one or more Members with the House on the basis of preliminary estimates of population for 1930 and assuming the House to retain its present 435 membership:

Alabama	10
Indiana	13
Iowa	11
Kansas	8
Kentucky	11
Louisiana	8
Maine	4
Massachusetts	16
Mississippi	8
Missouri	16
Nebraska	6
New York	43
North Dakota	3
Pennsylvania	36
Tennessee	10
Vermont	2
Virginia	10
Total	215

You can imagine what 34 Senators representing these 17 States can do when they go on the warpath to wreck a bill. You can see the difficulties ahead.

Mr. DOWELL. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes; with pleasure.

Mr. DOWELL. When the apportionment bill at one time was before the House and apparently had enough votes to pass it, a motion was made to recommit it. Was the gentleman one of those who favored to recommit the bill?

Mr. JACOBSTEIN. I was not a Member of the House at that time.

Mr. DOWELL. Those who were favoring it and claiming that the Constitution required that the House should act upon the question voted generally to recommit the bill.

Mr. JACOBSTEIN. What you say is true and only helps to reinforce my own argument that a deadlock is impending in 1930. As you have stated, many Members who demanded reapportionment to protect their own States actually voted against the Siegel reapportionment bill (H. R. 7882, October 14, 1921). They helped kill this bill by voting to recommit it. Their vote to recommit, however, must be interpreted as meaning not a vote against reapportionment, but rather a vote against increasing the size of the House above 435. The RECORD shows that 3 Members from California, 7 Members from Michigan, 10 from Ohio, 13 from Texas, 7 from North Carolina, and 7 from New Jersey voted to recommit and helped kill the bill, even though their States would have gained by the passage of that particular reapportionment bill, which would have increased the size of the House to 460. The explanation I have given is the only logical explanation, namely, that rather than see the House increased in size they preferred to have no reapportionment at all.

Mr. DOWELL. If the gentleman please, the motion was made by the gentleman from California to recommit the bill.

Mr. JACOBSTEIN. The motion to recommit was made in order to get the 435.

Mr. DOWELL. In order to prevent the possibility of getting more than 435.

Mr. JACOBSTEIN. Yes; I believe that is true, and again your own argument emphasizes the point I have been making namely, a strong feeling against enlarging the size of the House membership, rightly or wrongly.

Mr. LOZIER. Mr. Speaker, will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. LOZIER. The gentleman from California [Mr. BARBOUR] did not make the motion to recommit. He made a motion to amend the bill by fixing the membership at 435. This amendment was defeated by a vote of 123 yeas to 140 nays. The gentleman from Indiana, Mr. FAIRFIELD, made a motion to recommit the bill without instructions. The motion to recommit carried, the vote being 146 yeas and 142 nays. This

vote killed the bill; and on this vote the vast majority of those who insisted on reapportionment voted to recommit the bill, thereby killing the measure and destroying the possibility of a reapportionment bill at that session.

Mr. JACOBSTEIN. I believe that to be a fair statement, but it indicates again that there is trouble ahead in the 1930 reapportionment.

Mr. LOZIER. One more statement, with your permission: California and Michigan would have secured a large increase in their representation if this bill had been enacted; but on the motion to recommit seven members of the Michigan delegation in the House voted to recommit, three were paired in favor of recommitting, two voted against the motion, and there is no record as to the views of the other Representative from Michigan. Three of the Representatives from California voted to recommit, four voted against the motion, and four did not vote. The two States Michigan and California, that would have fared the best under the bill as reported by the committee, were largely instrumental in defeating this bill, thereby destroying all chance for reapportionment on that occasion. Our colleagues from Michigan and California are loud in their demands for a new reapportionment, but I am wondering if they have told the people of their States that they would have secured an increased representation seven years ago, if their Representatives in Congress at that time, had not lent their influence to defeat the 1921 reapportionment bill.

Mr. DOWELL. Mr. Speaker, will the gentleman permit a question?

Mr. JACOBSTEIN. If it is on the bill; yes.

Mr. DOWELL. It is. On the bill as it now stands Congress is delegating the power—

Mr. JACOBSTEIN. If the gentleman will give me five minutes more, I think I can answer all these questions.

The emergency is going to be more critical in 1930. I will tell you why. The population has probably increased from 105,000,000 to approximately 125,000,000.

If you undertake to satisfy the wishes of every State in the Union you will have to have a House with a membership of 535. It is inconceivable that that will be done. Five hundred and thirty-five means a size too large to be wieldy, it seems to me, and there is a decided opinion here that in view of the fact that so many Members voted for 435 they are not going to vote for 535. If you do not get legislation in 1930 you will have a rotten borough system developed in this country by which 30,000,000 people will be unfairly represented in the United States.

We can therefore anticipate a deadlock. What is the remedy? The remedy is simply this: We propose to Congress now—and I hope the bill will be reported to the House by special rule—anticipatory legislation. Unless Congress does act in 1930, then the reapportionment we provide in this bill shall become operative. What do we provide in this bill? First, that the House shall consist of 435 Members, retaining the present membership of the House. That can be changed at any time; in 1930, or in 1931, or in 1932, or in 1933, or on up to 1940. But until Congress acts the House will remain at 435. In our bill (Fenn bill) we do not suggest what the future Congress should do as regards the size of the House. We merely say that the House shall stay where it is in size until changed by some future Congress. Then we specify that the apportionment shall be made according to the well-known mathematical formula, the method of major fractions. This is the method used in 1910 and recommended in 1920. You understand, of course, the Fenn bill simply provides a method of reapportionment only operative in the event Congress fails to act.

Congress always reserves that legislative power. In fact, Congress can always pass supplementary legislation on reapportionment and has done so on many occasions. I will now answer the question in the minds of many of you and raised in the minority report. Congress surrenders none of its powers. It can act at any time on reapportionment, and there is ample precedent for this statement. What it does do is this: It says to the Bureau of the Census, "Go ahead and take the census of the population of 1930, and after you have done that, after you have enumerated the population according to the States of the Union, assign representation to every State on the basis known as major fractions," a method used in 1910, a method used in 1920, and a method which is very simple to understand. I think I could make it plain to you in five minutes if I had the time. So Congress does not divest itself of its authority. It is constitutional. The last word from the Supreme Court of the United States bears me out in this. Only a month ago—April 9, 1928—the Supreme Court of the United States sustained the flexible provisions of the tariff act (J. W. Hampton, jr., & Co. v. The United States), wherein Congress gave another Government agent the power to fix rates on imports and gave

it the power, when ordered by the President, to increase or decrease a tax. Our apportionment does not begin to go as far as that. What we propose here is not so drastic. We are merely assigning a function, a ministerial function, to a department of the Government which we at all times control. We say to the Census Bureau, "We direct you to apportion 435 members on the basis of the 1930 census, using the method of major fractions, but only to become effective or operative if we do not act." At any time if we choose to act and do enact legislation, then that particular apportionment which has been set into operation ceases to be the law.

It seems to me the bill is very simple. It is easy to understand. We surrender no power and it protects the Nation against the emergency of a deadlock that might arise in the year 1930 and which might be fraught with serious consequences to the country.

Mr. DOWELL. Will the gentleman yield?

Mr. JACOBSTEIN. Yes.

Mr. DOWELL. As I understand this bill it authorizes the apportionment for 1930.

Mr. JACOBSTEIN. On the basis of the 1930 population.

Mr. DOWELL. That involves the same principle, does it not, as though we made a permanent apportionment by the Census Department?

Mr. JACOBSTEIN. After that 1930 population census is taken, Congress is at liberty to act and should act. But if it fails to do its duty in 1930–31 then this bill provides a definite method and basis for reapportionment. That is all there is to it.

Mr. DOWELL. This is permanent law for action in the future?

Mr. JACOBSTEIN. It is permanent only in the sense that if Congress fails to act that method and formula continues to operate—and should.

Mr. DOWELL. If Congress fails to agree on the number they will permit, then the Census Bureau will make an apportionment in 1930; in 10 years, in 1940, they make it again.

Mr. JACOBSTEIN. That is right.

Mr. DOWELL. In 10 years they make it again.

Mr. JACOBSTEIN. That is right.

Mr. DOWELL. And unless Congress agrees to the number—

Mr. JACOBSTEIN (interposing). Just let me make one supplementary remark there. They will have to do it every 10 years, but when the Census Bureau does do it it is bound by the particular formula prescribed by Congress itself.

Mr. DOWELL. To be sure, but you have delegated it to the Census Department.

Mr. JACOBSTEIN. That is right. We have not, however, delegated any legislative power, but have merely assigned a ministerial function to another agent of the Federal Government, just as Congress did when it set up the Interstate Commerce Commission or the Tariff Commission, only with this difference, however, in the reapportionment bill this other outside agency is powerful and does not function at all if Congress does its duty by taking affirmative action. The Census Bureau merely submits tables to Congress showing reapportionment for a House membership of 435 on the 1930 census figures. These figures become the reapportionment when transmitted by the Clerk of the House to the several States. Neither the Census Bureau nor the Secretary of Commerce exercises any discretionary power. It is all done by specific direction of the Congress.

#### THE FEDERAL COURTS

The SPEAKER pro tempore. The time of the gentleman from New York has expired. Under special order of the House the gentleman from New York [Mr. LaGuardia] is recognized for 15 minutes.

Mr. LaGuardia. Mr. Speaker, I have had occasion to speak concerning the Federal judiciary several times. I have been criticized for my outspoken statements concerning Federal judges. That my statements were "too strong" was stated by some of my colleagues. Others claim that I am entirely wrong. The power of the judiciary has been steadily creeping and growing, until to-day it has established itself a super-government answerable and responsible to no one. The framers of our Constitution but a few years after its adoption saw this danger. The best minds of the time protested against the encroachment of the court on legislative and administrative functions of the other branches of Government. It was seen even in the early days of our Republic that this mighty power could and would be used or misused by a selfish, greedy minority for the exploitation of the masses. No one living to-day, whether Republican, Democrat, Progressive, or independent, will doubt the wisdom, ability, foresight, and patriotism of



Thomas Jefferson. There are few outstanding figures in American history who everyone claims as they do Thomas Jefferson. With prophetic vision and almost uncanny accuracy he looked into the future and saw exactly what the Federal courts would become and the power that they would eventually arrogate unto themselves. Just let me pause for a moment to read a short quotation from Thomas Jefferson:

We already see the power, installed for life, responsible to no authority (for impeachment is not even a scarecrow), advancing with a noiseless and steady pace to the great object of consolidation. The foundations are already deeply laid by their decisions for the annihilation of constitutional State rights and the removal of every check, every counterpoise to the ingulphing power of which themselves are to make a sovereign part. . . . Let the future appointments of judges be for four or six years and removable by the President and Senate. This will bring their conduct at regular periods under revision and probation, and may keep them in equipoise between the general and special governments. We have erred in this point by copying England, where certainly it is a good thing to have the judges independent of the King. But we have omitted to copy their caution also, which makes a judge removable on the address of both legislative houses. That there should be public functionaries independent of the Nation, whatever may be their merit, is a solecism in a republic of the first order of absurdity and inconsistency. (Letter to Mr. William T. Barry. *The Jeffersonian Cyclopaedia*.)

Mr. RAMSEYER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. RAMSEYER. From what is the gentleman quoting?

Mr. LAGUARDIA. I am quoting from a letter written by Thomas Jefferson to William T. Barry. It will be found in the *Jeffersonian Cyclopaedia*, page 448.

Just another short quotation from Jefferson:

At the establishment of our Constitution the judiciary bodies were supposed to be the most helpless and harmless members of the Government. Experience, however, soon showed in what way they were to become the most dangerous; that the insufficiency of the means provided for their removal gave them a freehold and irresponsibility in office; that their decisions, seeming to concern individual suitors only, pass silent and unheeded by the public at large; that these decisions, nevertheless, become law by precedent, sapping, by little and little, the foundations of the Constitution and working its change by construction before anyone has perceived that that invisible and helpless worm has been busily employed in consuming its substance. In truth, man is not made to be trusted for life if secured against all liability to account. (Letter to A. Coray. *The Jeffersonian Cyclopaedia*.)

Now, Mr. Speaker, only a few days ago a decision was handed down in the city of New York by a so-called statutory court, this court consisting of either a justice of the supreme court and two circuit court judges or a judge of the circuit court and two district court judges.

Mr. WAINWRIGHT. How are they convened?

Mr. LAGUARDIA. They are convened on motion.

I desire to call the attention of my colleagues at this time that what happened to New York a few days ago may happen in your cities at any time. In fact, this regulation of public service utilities and local municipal matters by Federal courts is not new. Greedy public-service corporations have learned that they can run to the Federal courts and evade State laws and regulatory measures of State commissions. They will sign a contract or accept a franchise from a State commission, agree to all the terms, solemnly agree to submit to the regulatory powers of a State commission, with a dishonest mental reservation that as soon as they obtain the franchise or the contract they will go to the Federal courts and obtain judicial relief from compliance and exploit the people to the extent of their greed and the nerve of the Federal judge. The State of Indiana is at this very moment protesting against the usurpation of the Federal courts. I have here a resolution passed by the Legislature of the State of Indiana begging Congress to protect the State against the action of the Federal courts, and at this point, Mr. Speaker, I ask unanimous consent to read part of the resolution of the Indiana Legislature and to extend the complete resolution.

The SPEAKER pro tempore (Mr. FENN). The gentleman from New York asks unanimous consent to extend his remarks in the manner indicated. Is there objection? The Chair hears none.

Mr. LAGUARDIA. Here is what the Legislature of the State of Indiana says:

UNITED STATES OF AMERICA,  
STATE OF INDIANA,  
Office of the Secretary of State.

I, F. E. Schortemeier, secretary of state of the State of Indiana, hereby certify that the following and hereto attached is a full, true, and complete copy of enrolled Senate Joint Resolution 5, chapter

269, acts of seventy-fifth regular session of the General Assembly of the State of Indiana:

A joint resolution requesting Congress to prepare, support, and secure the enactment of legislation limiting and defining the jurisdiction of the United States courts in public utility and rate cases to the consideration after, not before, the courts of various States have considered the issue involved

Whereas Congress in 1816 created Indiana a sovereign and independent State, with full right to control its local affairs, and the corporations it created, and these would include especially utility corporations, furnishing water, light, gas, phone service, and other necessities; and

Whereas the growth and development of the State of Indiana and its public utilities reached such proportions in 1913 that it became necessary that careful and proper consideration of the rights of the public and the adequate protection of the public welfare, made it necessary for the General Assembly of the State of Indiana to create a public-service commission; and

Whereas certain utilities of this State, to wit: The Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co. of Indianapolis, and The Central States Gas Co. of Vincennes, and the Greensburg Water Co. of Greensburg, petitioned the Public Service Commission of the State of Indiana for increased rates for service to the public; and

Whereas such petitions were heard and valuations thereof determined and rates fixed by the Indiana Public Service Commission, which were in the judgment of the commission fair, reasonable, and just; and

Whereas said utilities, to wit, the Indianapolis Water Co., the Indiana Bell Telephone Co., the Citizens Gas Co., the Central States Gas Co., of Vincennes, and the Greensburg Water Co. did, immediately in each case, invoke the jurisdiction of the Federal court of the State of Indiana instead of taking their cases to our State courts, alleging that the valuation determined and rates fixed by the public service commission were confiscatory; and

Whereas the laws of the State of Indiana governing the public service commission provide for and authorize any utility or person interested in any rate order to appeal to the circuit or superior court of any county in this State from any order of the commission fixing such rate, or rates, or valuation; and

Whereas such utilities did, in each instance, invoke the jurisdiction of the Federal court without first having pursued the remedy provided by the laws of the State of Indiana giving the right to appeal to the State courts; and

Whereas in each instance the Federal court has fixed a higher valuation and a higher rate than that fixed by the public service commission; and

Whereas the right of the State of Indiana to control its local affairs with reference to such utilities was defeated and prevented; and

Whereas the Public Service Commission of Indiana fixed the valuation of the Indianapolis Water Co. at \$16,455,000; the Indiana Bell Telephone Co. at \$32,000,000; the Citizens Gas Co. at \$12,000,000; the Central States Gas Co. of Vincennes at \$482,845, and the Greensburg Water Co. at \$225,000; and

Whereas thereafter at hearings in the Federal Court of the District of Indiana the valuations of these public utilities were fixed at the following figures, to wit: The Indianapolis Water Co. at \$19,000,000, resulting in increase of rates; Indiana Bell Telephone Co. at \$36,000,000, resulting in increase of rates; Citizens Gas Co. at \$16,000,000, increasing the rate for gas from 90 cents to \$1.20; Central States Gas Co., of Vincennes, at \$739,572; and the Greensburg Water Co. at \$340,000, resulting in increase of rates: Therefore be it

Resolved by the Seventy-fifth General Assembly of the State of Indiana, That the United States Senators and Members of Congress representing the State of Indiana be, and they are hereby, respectfully petitioned to prepare, support, and their associates enact legislation limiting the jurisdiction of the courts of the United States in all cases that may be filed therein by public utilities seeking relief from orders issued by public service commissions, to such utilities as have first exhausted all legal remedies given by the courts of the respective States; Be it further

Resolved, That copies of this resolution be transmitted by the governor and the secretary of state to the Senators and Members of Congress representing the State of Indiana, and the Senators and Congressmen of the other States of the United States.

F. HAROLD VAN ORMAN,  
President of the Senate.

HARRY G. LESLIE,

Speaker of the House of Representatives.

Filed March 11, 1927—12.02 p. m.

F. E. SCHORTEMEIER,  
Secretary of State.

In testimony whereof I hereunto set my hand and affix the great seal of the State of Indiana. Done at my office in the city of Indianapolis, this 12th day of March, A. D. 1928.

[SEAL]

F. E. SCHORTEMEIER,  
Secretary of State.

The city of New York has invested over \$400,000,000 in subways. These subways are operated by rapid-transit corporations under a contract with the city of New York. Among other things, the contract provides that the operating companies must furnish service under certain general conditions, and specifically provides that a fare of 5 cents shall be charged. The gentlemen must bear in mind that at the time the contract was signed there was a movement all over the United States for cheap transportation. Many of the cities in Ohio were enjoying 3-cent car fares. Six rides and seven rides for a quarter were in effect in many cities of the United States. So the operating companies, to protect themselves, insisted that the 5-cent provision should be written into the contract. It was written into the contract. It has been there for 15 years. If when the operating companies were making huge profits and declaring big dividends the city of New York would have sought to lower the rate, the operating companies would have resisted and would have insisted upon the rights of contract. Yet, now we find these same companies, after years of maneuvering, after years of the dirtiest kind of politics, resorting to the Federal court to aid in the execution of their dirty work.

Mr. WAINWRIGHT. Will the gentleman yield for a question?

Mr. LAGUARDIA. Yes.

Mr. WAINWRIGHT. May I ask the gentleman to enlighten us as to what claim of authority this statutory court asserts in order to get control of this matter? I think there is a great deal of confusion in the public mind as to how this purely local question got into a Federal court.

Mr. LAGUARDIA. The decision handed down by this so-called statutory court starts off with an apology and a misstatement of facts. It makes a clumsy attempt to prevent the scorn of public opinion. It states in the opinion that the action in the Federal court was commenced by the subway company prior to the action commenced in the State court by the transit commission. Not one of the millions of strap hangers of New York City will be deceived by this misstatement of fact, even if it is contained in a judicial decision.

The action was commenced in the Federal court by obtaining an ex parte order from a Federal judge residing in Westchester hours after court had adjourned. This ex parte order was suddenly presented to the judge and signed by him at his home. The order is lengthy, involved, and technical. Yet the ex parte order signed by the judge at his home was prepared and printed. How did the transit company know how the judge would decide and what he would put in the order to have a printed and prepared order for his honor to sign? The fact is, and everyone in New York knows it, with the apparent exception of the three judges who sat on the case, that this order was obtained after both the Federal court and the transit companies had learned that the State commissioners had moved in the State court to protect the rights of the city of New York and the millions of citizens compelled to use the subways.

The opinion of the court smacks of the shrewd mathematics of the curb rather than the deliberate judgment of the bench.

The prophetic wisdom of Jefferson was never more emphasized than in the present instance. I submit that it was the intention of the framers of the Constitution that the Federal courts should dispense justice and should not be made the adding machine for greedy corporations.

The decision in the Interborough Rapid Transit Co. case increasing the rate of fare without any justification of facts compares with the political decision in the Dred Scott case. It will settle nothing. The millions of people of New York City will simply refuse to pay the increased fare.

I happen to have first-hand knowledge concerning the contracts under which the Interborough Rapid Transit Co. is operating. First of all, the people of this country must know that the city of New York owns the subways. Second, that the Interborough operates these subways under a contract with the city of New York. When I was president of the board of aldermen in 1920, the Interborough and the other rapid-transit companies appeared before us seeking to modify the contract. It was admitted and conceded then that the rates of fare could not be increased unless both parties to the contract consented.

This happened to me. I do not get this out of a book. I was president of the board when they applied for a modification of the contract.

It was the law then. On the showing the board of estimate and apportionment of which I was a member refused to modify the contract and the fare was not increased. The law has not changed since 1920. The judges have changed.

If the contract was constitutional and valid during the years that the Interborough and other rapid-transit companies

paid out over 180 per cent in dividends, it is constitutional to-day.

This case is not novel in any way. The same point came squarely before the Supreme Court in the case of the Georgia Railway & Power Co. against the town of Decatur, reported in two hundred and sixty-second United States Reports on page 432. There the facts were almost identically the same as in this case. It was a case where the city of Decatur, Ga., had made a contract with the railroad for a 5-cent fare, and the railroad sought to increase the fare to 7 cents, exactly the same as in New York, and after a lengthy opinion the court said, Judge Sutherland writing the opinion—I can give the law in two lines—

The contract being valid, we are not concerned with the question whether the stipulated rates are confiscatory.

And there are a number of such decisions. They cite in their opinion the cases of Southern Iowa Electric Co. v. Chariton (255 U. S. 539), Paducah v. Paducah Railway Co. (261 U. S. 267).

The question is not novel. The very conduct of the statutory court in face of the existing law raises a suspicion that the Federal court will never be able to remove.

The outrageous decision handed down by the so-called statutory court lays down a new principle of law which is un-American, inequitable, unconstitutional, and indecent. This decision says that a contract is valid when a corporation is making enormous profits and invalid at any time that its profits decrease according to the corporation's own view as to what is a reasonable return.

I challenge anyone to point out one decision in the Federal courts where a corporation was compelled to reduce its rates agreed upon in a contract with a municipality, county, or State because the corporation was making too much profit.

Did you ever hear of such a case? If this law is good, then I challenge anyone to show a case in point.

Now, gentlemen, get this:

The court either refused to examine the figures of the Interborough or else ignored them. In either event the court was not justified in granting an increase in fare.

Now get these figures:

The Interborough as a matter of fact is not losing money.

So even if the court had jurisdiction as a matter of law and the rate was confiscatory; but the court did not, because the rate was fixed in a contract. But even so, on the facts themselves it can not be shown that the rate of 5 cents is confiscatory, because the companies are not losing money, but making a profit.

During the first six months ended June 30, 1927, this same company that went before the Federal court and complained that it was losing money, paid \$265,541.46 Federal income tax—net income on this figure would be \$1,966,973.78. For the calendar year 1926 this same company paid \$89,507.27—net income on this figure would be \$292,646.44.

The courts stress the lease with the Manhattan Railway Co. This Manhattan Railway Co., whose rates are now to be increased because it claims that it must operate under a confiscatory rate of fare, made so much money that from January 1, 1918, to June 30, 1927, it paid \$4,800,000 Federal income tax.

All through the decision you will find many references to the lease existing between the Interborough and the Manhattan Railway Co. This lease is for 999 years. What they did, gentlemen, was this: The same crowd that owned and controlled the Interborough got control of the Manhattan and leased the company to themselves.

The only difference between the men who negotiated the lease between the Manhattan Railway and the Interborough and Gerald Chapman is that Gerald Chapman was caught, convicted, and hanged. [Laughter.]

If the court was honestly sincere in seeking to bring about relief and if it claims the power to destroy the contract between the city of New York and the Interborough, it could destroy the dishonest and fraudulent contract between the Manhattan Railroad and the Interborough.

As a matter of fact, the Interborough can operate on 5 cents under the contract with the city of New York and make money. Everybody in New York knows it except the three judges who sat on the case.

Section 330 of the United States Code, or section 266 of the Judicial Code, was never intended to be used in a case where a contract was involved. The purpose of this provision of the law was to create a tribunal to immediately pass upon a State law which might bring irreparable injury if enforced, though unconstitutional. But, gentlemen, this law that is now brought before the Federal court is nothing new. It was first enacted



in 1891 and then amended in 1894. The original contracts with the city of New York for the construction of the subways were made on July 10, 1902, and August 10, 1905. These contracts were assigned to the Interborough Co. now operating.

Gentlemen, but a few days ago we had before our Judiciary Committee one of the ablest railroad lawyers of this country. He is not a radical and not even a progressive and does not come from New York City. He is a staid, conservative railroad corporation lawyer and makes no bones about the fact that he believes railroad corporations are sanctified, are always pure and holy, and have constitutional rights that no one can take away. In fact, he was before the Judicial Committee in opposition to one of my bills. After arguing for a long time on the powers of the Federal court, and, mark you, this lawyer, who, by the way, is Mr. Alfred P. Thom, general counsel of the Association of Railway Executives, took the position that Congress could not deprive the Federal courts of any of its powers. Of course, I do not agree with him on that, and I believe that very few Members of the House will agree with him on that. But I took the opportunity to question Mr. Thom on the subject of the interference by the Federal courts where a contract was involved. I will here read the colloquy between Mr. Thom and myself:

Mr. LA GUARDIA. You referred to the necessity of getting protection and used carriers as an illustration, seeking relief from orders of State commissions or State laws. Is it your belief that in purely intrastate matters a carrier, or a public utility corporation, may go to the Federal court in the first instance?

Mr. THOM. If what the State does is to confiscate its property.

Mr. LA GUARDIA. Suppose it is a matter of contract and not a law or order of the State commission, but a contract entered into between a company and a subdivision of the State or a municipality. In that instance, could there be a resort to the Federal courts to avoid the terms of that contract at the first instance?

Mr. THOM. If it is a valid contract, I do not think they could resort to the Federal court. I do not think any Federal question arises.

Mr. LA GUARDIA. There is another question I wanted to ask you. You agree with the decision of the United States Supreme Court in the Porto Rico tax case, do you not?

Mr. THOM. Yes.

Mr. LA GUARDIA. Fully?

Mr. THOM. Yes.

Mr. LA GUARDIA. But you distinguish that because it is a tax matter?

Mr. THOM. Yes.

Mr. MICHENER. Just one question there: On this question of going into the Federal court where a contract has been violated, as referred to by Mr. LA GUARDIA, assuming that that contract was a franchise given to a public utility, we will say a 30-year franchise, and that conditions changed during the 30 years, so that the utility could not survive financially under the franchise, which is a contract, do you not think that a stockholder who happened to reside in some other State, for instance, might go into a Federal court in a case of that type?

Mr. THOM. I did not, perhaps, understand Mr. LA GUARDIA's question. I did not know he was putting a question of a violation or a breach of a contract by a State. Of course, a State has no right to make a breach of a contract without violating the Federal constitutional provision.

Mr. LA GUARDIA. Does that answer the question of the gentleman from Michigan?

Mr. THOM. What is that? I did not hear you.

Mr. LA GUARDIA. I agree with Colonel Thom.

Mr. THOM. What is that?

Mr. LA GUARDIA. You are absolutely right.

Mr. THOM. So far as that is concerned, as I understand the question that you put, it is that where there is a valid franchise granted on certain conditions, there is no question of violating that franchise, but the effect of it has become destructive—

Mr. MICHENER. That is it.

Mr. THOM (continuing). Of the entity to which it was granted. Well, the fact that that contract becomes destructive does not seem to me to violate any law; and it seems to me that nobody has a right to insist that the franchise should be different simply because it destroys the prosperity of the entity to which it was granted.

Take this case, for example: Take a railroad company, and it makes a contract which is valid that it will perform a service for a certain amount. Well, to enforce that is not confiscation. The evil that comes there is from the contract which it voluntarily entered into. If, however, there is no contract, and the State undertakes to prevent the proper use of the instrumentalities of the corporation in such a way as to deny it a proper return, then a Federal question does arise.

Mr. MICHENER. That is the answer to my question.

Mr. THOM. But any carrier would be prevented from complaining if what it complains of was the enforcement of the contract which it had made. There is no question of confiscation that could arise in that case.

Mr. LA GUARDIA. We agree on that, Colonel.

Mr. THOM. I am very glad of it. I am always delighted when I find that any of you gentlemen agree with me.

So here, gentlemen, you have it from a corporation lawyer, representing the executive association of railroads, who believes in the unlimited power of the Federal court admitting that where a rate is fixed in a contract the Federal court can not set aside the terms of such a contract. I contend that the decision handed down by the so-called statutory court consisting of these three judges in New York City was not only contrary to the facts, against the weight of evidence, but also contrary to law. The court had no jurisdiction, it should not have interfered, and it did only what the Interborough wanted it to do. In fact, the Interborough, it is known, has made arrangements for weeks to prepare for the collection of the extra 2 cents fare. I will have more to say about this as the case progresses. I will serve notice now to these Federal judges in New York and elsewhere that they will not be able to carry on in such a manner, and that the people will resent not only the usurpation of power, but establishing in this country one law for corporations and one law for the consumers, one contractual right when a corporation is making money and wants the contract continued and different rights when a corporation is tired of a contract. The Federal courts have reached the limit of their arrogance. They have invited resentment and loss of confidence. I again desire to express the hope that some day Congress will act on my bill which will take from the Federal courts jurisdiction in the first instance in these purely intrastate matters in which no Federal or constitutional right is involved.

The SPEAKER pro tempore. The time of the gentleman has expired.

#### NECESSARY APPROPRIATIONS FOR MATTERS BEFORE CONGRESS

Mr. SNELL. Mr. Speaker, I ask unanimous consent to proceed for three minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for three minutes. Is there objection?

There was no objection.

Mr. SNELL. Mr. Speaker and gentlemen of the House, I have asked for this time for the purpose of giving some information to the House and the country that I think may be of interest. Various Members are finding fault with the Rules Committee and specially with the Chair because they can not all get at once the legislation they are specially interested in. To show you that at present and for the immediate past that we have had some problems to deal with of importance and cost to the American people, I want to enumerate without comment some of the more pressing matters before us. Perhaps some of you may think as I do that it is about time to put up the stop-look-and-listen sign.

I presented this list to the President this morning:

Flood control.....	\$325,000,000
Muscle Shoals (\$60,000,000 to \$75,000,000).....	75,000,000
Boulder Dam.....	125,000,000
Mississippi barge line.....	10,000,000
Virginia road.....	4,500,000
Weich pay bill.....	18,000,000
Pink bollworm.....	5,000,000
Forestry research bill.....	3,625,000
Pay customs employees.....	1,635,000
Pay immigration employees.....	142,000
Vocational education bill.....	6,000,000
Retirement emergency officers.....	2,000,000
Retirement civil employees.....	30,000,000
Farm relief bill.....	400,000,000
Good roads bill (\$75,000,000 to \$85,000,000).....	85,000,000
Vermont roads.....	1,600,000
Kentucky roads.....	1,800,000
New Hampshire roads.....	625,000
Rogers Clark memorial.....	1,000,000
	1,005,527,000

War-minerals relief, \$5,000,000 to \$10,000,000.

Gentlemen, if we pass all this legislation—and it is being earnestly urged at the present time—instead of spending your time passing tax-relief measures you better spend your time finding new revenues. [Applause.]

Mr. HASTINGS. What is the aggregate of those amounts?

Mr. SNELL. Something over \$1,000,000,000. [Applause.]

#### LEGISLATIVE APPROPRIATION BILL

Mr. MURPHY, from the Committee on Appropriations, presented a conference report on the bill H. R. 12875, the legislative appropriation bill, for printing under the rule.

#### THE AMERICAN MERCHANT MARINE

Mr. WHITE of Maine. Mr. Speaker, I call up the bill S. 744, an act to further develop an American merchant marine, to assure its permanence in the transportation of the foreign trade of the United States, and for other purposes, and ask unanimous consent that the House insist on its amendments and agree to the conference asked for.

The SPEAKER. The gentleman from Maine calls up the bill S. 744 and asks unanimous consent that the House insist on its amendments and agree to the conference asked for. Is there objection?

There was no objection.

The SPEAKER appointed as conferees on the part of the House Mr. WHITE of Maine, Mr. LEHLBACH, Mr. FREE, Mr. DAVIS, and Mr. BLAND.

#### CALENDAR WEDNESDAY BUSINESS

The SPEAKER. Under the order of the House, Calendar Wednesday is in order to-day. The Clerk will call the committees.

The Clerk called the Committee on the Merchant Marine and Fisheries.

#### CONSTRUCTION AND MAINTENANCE PROGRAM OF THE BUREAU OF FISHERIES

Mr. WHITE of Maine. Mr. Speaker, I call up the bill (H. R. 13383) to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries.

The SPEAKER. This bill is on the Union Calendar. The House automatically resolves itself into Committee of the Whole House on the state of the Union.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union, with Mr. LEAVITT in the chair.

Mr. WHITE of Maine. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from Maine asks unanimous consent that the first reading of the bill be dispensed with. Is there objection?

Mr. CRAMTON. I believe, Mr. Chairman, this bill is one that the House ought to hear read, and I object.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That there are hereby authorized to be appropriated during the fiscal year beginning July 1, 1928, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: New Mexico, \$50,000; Idaho, \$60,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Wisconsin (in the southern part of the State), \$50,000; Montana, \$35,000.

(3) The establishment of fisheries laboratories in the State of Washington, at a cost not to exceed \$100,000, and a laboratory in the Territory of Alaska, at a cost not to exceed \$50,000.

(4) The establishment of experimental and bass and trout stations in the State of Maryland or West Virginia, at a cost not to exceed \$60,000.

(5) The purchase and repair of the Rogue River substation, in the State of Oregon, at a cost not to exceed \$35,000.

SEC. 2. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1929, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: Alabama, \$50,000; Indiana, \$50,000; Louisiana, \$50,000; Tennessee (in the central part of the State), \$50,000; Pennsylvania, \$100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: New Hampshire (in the White Mountain Forest), \$25,000; South Carolina, or the enlargement of Orangeburg station in said State, \$35,000; Texas (in the western part of the State), \$35,000; Colorado, \$20,000.

(3) The purchase of Mill Creek station in the State of California, at a cost not to exceed \$20,000.

(4) The enlargement of Cape Vincent station in the State of New York, at a cost not to exceed \$25,000.

SEC. 3. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1930, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of Florida, at a cost not to exceed \$100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Maine, \$35,000; Virginia (in the eastern part of the State), \$75,000; North Carolina (in the eastern part of the State), \$35,000; Mississippi, \$35,000; Minnesota (in the Rainey Lake or Lake of the Woods region), \$35,000; New York, \$35,000.

(3) The establishment of a marine fish-cultural station in the State of Texas (on the Gulf coast of the eastern part of the State), at a cost not to exceed \$100,000.

SEC. 4. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1931, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of New Jersey at a cost not to exceed the amount of \$75,000.

(2) The establishment of a fish-cultural substation in each of the following States at a cost not to exceed the amount specified: Illinois, \$35,000; Nevada, \$35,000.

SEC. 5. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1932, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in the State of Ohio at a cost not to exceed \$75,000.

(2) The establishment of a fish-cultural substation in each of the following States at a cost not to exceed the amount specified: Kansas, \$35,000; North Dakota, \$35,000; Arkansas, \$35,000.

(3) The purchase and repair of the Little White Salmon station in the State of Washington at a cost not to exceed \$25,000.

(4) The establishment of a fish-cultural station in the State of Georgia for the propagation and hatching of shad and such species of fresh-water fish as may be feasible, desirable, and suitable, for food purposes, at a cost not to exceed \$35,000.

SEC. 6. There is hereby authorized to be appropriated such amounts as may be necessary not to exceed \$35,000 for the establishment of an experimental and bass and trout station in the Pisgah National Forest or in the Great Smoky National Park in the State of North Carolina upon the acquisition of said park by the United States.

SEC. 7. (a) The stations, substations, and laboratories authorized by sections 1, 2, 3, 4, 5, and 6 shall be located in the States and parts thereof and in the territory specified, at such suitable points as may be selected by the Secretary of Commerce.

(b) Any appropriation made under authority of sections 1, 2, 3, 4, 5, and 6 may be expended for the purchase of sites, the purchase of equipment, the construction of buildings and ponds, and for such other expenses as may be incidental to the cost of the establishment, purchase, or enlargement, as the case may be, of the station, substation, or laboratory in question.

(c) No part of an appropriation made under authority of sections 1, 2, 3, 4, 5, or 6 shall be expended in the construction, purchase, or enlargement of a station or substation until the State in which such station or substation is to be located shall have by legislative action accorded to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by the commissioner be considered necessary and proper, any laws of the State to the contrary notwithstanding. The operation of any station, substation, or laboratory established, purchased, or enlarged under authority of this act shall be discontinued whenever the State ceases to accord such right; and such operation may be suspended by the Secretary of Commerce whenever in his judgment State laws or regulations affecting fishes cultivated are allowed to remain so inadequate as to impair the efficiency of such station, substation, or laboratory.

SEC. 8. There are hereby authorized to be appropriated, in addition to all other amounts authorized by law to be appropriated, the following amounts during the fiscal years specified:

(1) For the purpose of providing adequate maintenance costs and personnel for the division of fish culture, Bureau of Fisheries: Fiscal year beginning July 1, 1928, \$100,000; fiscal year beginning July 1, 1929, \$200,000; fiscal year beginning July 1, 1930, \$300,000; fiscal year beginning July 1, 1931, \$400,000; fiscal year beginning July 1, 1932, \$500,000. Of each amount authorized by this paragraph to be appropriated, 70 per cent shall be for miscellaneous expenses, division of fish culture, and 30 per cent for salaries at the seat of government and elsewhere.

(2) To meet the demand for fundamental knowledge regarding our great commercial fisheries and for developing the natural cultivation of oysters, mussels, and other mollusca, and the improvement of pond cultural and other operations of the division of inquiry, Bureau of Fisheries, respecting food fishes: Fiscal year beginning July 1, 1928, \$50,000; fiscal year beginning July 1, 1929, \$100,000; fiscal year beginning July 1, 1930, \$150,000; fiscal year beginning July 1, 1931, \$200,000; fiscal year beginning July 1, 1932, \$250,000. Of each amount authorized by this paragraph to be appropriated, 60 per cent shall be for miscellaneous expenses, division of inquiry, and 40 per cent for salaries at the seat of government and elsewhere.

(3) To provide for the proper husbandry of our fisheries, improvements in methods of capture, merchandising, and distribution of our fishery harvest, including saving and utilization of waste products, and other operations of the division of fishery industries, Bureau of Fisheries: Fiscal year beginning July 1, 1928, \$35,000; fiscal year beginning July 1, 1929, \$70,000; fiscal year beginning July 1, 1930, \$105,000; fiscal year beginning July 1, 1931, \$140,000; fiscal year beginning July 1, 1932, \$175,000. Of each amount authorized by this paragraph to be appropriated, 60 per cent shall be for miscellaneous expenses, division of fishery industries, and 40 per cent for salaries at the seat of government and elsewhere.



Mr. WHITE of Maine. Mr. Chairman and members of the committee, this is a bill which comes before the House with the unanimous approval of the Merchant Marine and Fisheries Committee of your body. It seems to me that it might well be entitled a bill to preserve and perpetuate the fisheries of the United States.

I do not in any degree minimize its importance. It contemplates a five-year program for the construction of fish hatcheries, substations, laboratories, and there goes with it the necessity for the authorization of appropriations to make effective the judgment of the committee as to the steps necessary to be taken, if we are to preserve for future years to the people the fisheries of the United States.

I think it proper that I should indicate in the first instance what is involved in this program as a matter of expenditure. The program carried out to its maximum would in the spread of five years call for an appropriation totaling \$1,770,000 for the construction program.

It would call for a maximum increase in the annual maintenance costs of the Bureau of Fisheries at the end of the five years, assuming the entire program to be carried out, of approximately \$915,000, raising that item from about \$2,083,000 for this coming fiscal year to just under \$2,998,000, or approximately that, at the end of the contemplated building and expansion program. That means in round numbers, and I speak only in round numbers, that at the end of a five-year program, assuming it to be carried out to the full extent contemplated and recommended by your committee, there will be an expenditure of approximately \$3,000,000 in behalf of the fisheries of the United States.

Those of us charged with the immediate responsibility for considering the situation which obtains with respect to our fisheries, and of developing a ways and means for preserving those fisheries, give this proposal our unstinted and our unqualified approval. I often think that the people generally and the membership of this House fail to appreciate the magnitude of the fisheries industries, the tendencies in those industries, and what portends to the people of the United States unless we recognize the problem that confronts us and courageously and aggressively address ourselves to its solution. Roughly speaking, there are 120,000 men and women in the United States engaged in our fisheries. The catch totals annually almost 3,000,000,000 pounds of fish. The fishermen of the United States are paid something between \$105,000,000 and \$110,000,000 a year. Fish furnish to many people, to increasing numbers of people, a valuable article of diet. Every one recognizes its food value. It is becoming more and more a widely used food product, and its dietary qualities are becoming more and more recognized. Nature is prodigal, but I think the history of the years demonstrates to every one who will give heed that nature is not inexhaustible. What has been going on throughout this country of ours with respect to other natural resources points a moral and carries to us a solemn warning of what will come to us with respect to this great natural resource unless we give heed to the indications and unless we meet, as I conceive it, our obligations with respect thereto.

There has been a marked loss in our fishery products in certain kinds of fish. I shall allude in general terms to only a few of them, because they are illustrative and indicate clearly what we face. Take shad. That is one of the great fish of the Atlantic seaboard. In recent years it has become more or less prolific on the Pacific coast, but in a span of 30 years the catch of shad in the United States has dropped from about 51,000,000 pounds a year to barely 15,000,000 pounds a year, a loss of more than 66% per cent. Sturgeon used to abound in the waters of the Atlantic seaboard, in the Great Lakes, and elsewhere. In a span of 30 or 35 years the catch of the sturgeon has dropped from 18,000,000 pounds a year to 1,200,000 pounds a year.

The catch of lobster on the New England coast in 30 years has dropped from 30,000,000 pounds to slightly over 10,000,000 pounds. There again is a loss of 66 per cent of the catch of this fish. Crab was abundant at one time in the waters of the Chesapeake Bay and elsewhere, but in the period of five years from 1915 to 1920 that catch dropped from 50,000,000 pounds to about 23,000,000 pounds. In later years it has slightly increased. I think the last figures indicate that the catch has risen to approximately 30,000,000. Next take the herring of the Great Lakes. In a span of seven years that catch fell from about 35,000,000 pounds to 3,000,000 pounds. In the Great Lakes and in the Lake of the Woods, those vast inland oceans, the catch of all kinds of fish dropped in seven years from about 149,500,000 pounds to approximately 100,000,000 pounds. Those waters have apparently been depleted in that short space of years by approximately 50 per cent. The catch of whitefish in the Great Lakes area in half a century has fallen from

more than 21,000,000 pounds to approximately 4,000,000 pounds a year.

That, gentlemen, is what is taking place with respect to the fisheries of the United States. Unless we give heed to the scientific problems involved, unless we give heed to the question of pollution and propagation and conservation and to all of the other factors that make for perpetuation of the species, we are going to see in a few short years many of these valuable commercial foods unknown to the people of the United States.

What is our duty? I have said that nature is not inexhaustible. We have seen our forests go, we have seen the buffalo go, we have seen the fur-bearing animals disappear. I shall never get out of my mind the tragic story of the Atlantic sea salmon. I referred to it the other day. Within the memory of men on this floor the Atlantic sea salmon entered 28 streams between New York and the Canadian border. To-day that Atlantic sea salmon is seen in just 1 of those 28 streams. You have seen the situation on the Pacific coast. Not many years ago the Sacramento River was a great salmon river. You have seen the catch from that river disappear, and you have seen that same process going on up to the Columbia and on up through those rivers, reaching farther up to the north and up to the Territory of Alaska, represented by the gentleman from Alaska [Mr. SUTHERLAND]. It seems to your committee that we owe an obligation to the people of the United States, and we owe an obligation to those that are yet to come, to adopt every means of science and to make liberal expenditure to save this heritage to our people. This bill proposes what we believe to be a scientific, well-rounded program looking to those ends. The committee summoned before it the Commissioner of Fisheries, and I say to you that there is no project in this bill that does not have the approval of the scientific experts of the Government. After we have mapped out what we believe to be an essential program of construction, we have provided what we conceive to be a minimum of force to make useful and effective the physical aids we are giving in this bill.

I personally commend the bill to the membership of the House as a wise and necessary measure of conservation. It forces upon us, in my judgment, an obligation that we must now meet, or there will rest upon us in the years to come the onus of a clear failure to meet a manifest duty. [Applause.]

Mr. CRAMTON. Mr. Chairman, I ask recognition in opposition to the bill.

The CHAIRMAN. The gentleman is recognized for one hour.

Mr. CRAMTON. Mr. Chairman and gentlemen of the committee, my opposition to the bill is an opposition to the bill in its present form; not at all an opposition to the purposes of the bill, but because the bill as it stands if enacted into law is an encroachment upon the established Budget policy of our Government; an encroachment which, with this precedent established, would likely be followed by a multitude of similar measures and result in the destruction of the Budget system.

The bill in question has a widespread and comprehensive program of construction and maintenance of various activities that are deemed useful in promoting the ideas that the gentleman from Maine [Mr. WHITE] has urged. It involves an expenditure of several million dollars. The Committee on the Merchant Marine and Fisheries have not submitted the measure to the Budget to ascertain to what extent, if any, it would be in conflict with the President's financial program. Their bill provides that for each of certain years to come there shall be certain new buildings provided, or new establishments created; that in each of certain years there shall be a considerable sum of money spent in the development and maintenance of those institutions or establishments. In other words, if the bill becomes a law, so far as this subject is concerned the hands of the President are tied with reference to the expenditure of money for these purposes. The Congress will insist, the committee that reported the bill, and gentlemen who are interested in the items will insist that because this law was enacted the Budget has no discretion as to the recommendations it can make to the Congress on this subject, and when the items come to Congress from the Budget it will be insisted, first, that the Committee on Appropriations has no discretion as to such items, but must recommend them to the House because of the enactment of this legislation; and then that the House and the Congress have no discretion; that these appropriations have not only been authorized but they have been directed.

The gentleman from New York [Mr. SNELL] a few minutes ago called attention to the long program of bills pending before Congress that call for new expenditures of public funds. But that list was by no means complete. I did not notice this one among the list, and I know of others that were not included in the list. It is time to stop, look, and listen.

My position on this—and I hope it will be understood—is not caused by any fear or any personal feeling as to an encroachment on the jurisdiction intrusted to the committee of which I am a member; my fear as to the bill is aroused, however, because, growing out of my experience as a member of that committee and my contact with this subject I realize what this kind of legislation will do to the Budget program, and I say to you that this House can not afford to embark upon a policy that means a destruction of the Budget policy. The Budget policy in its importance is greater than the importance of any one committee or any set of committees. It is greater even than the importance of protecting the fisheries of the country.

But there is no need for any conflict. The fisheries of the country can be protected through a proper legislative policy without tying the hands of the Budget and the Congress for five years to come.

Mr. CROWTHER. Mr. Chairman, will the gentleman yield? Mr. CRAMTON. Yes.

Mr. CROWTHER. According to the language of the bill these are authorizations, are they not? It will be in the discretion of the Committee on Appropriations as to whether that money shall be expended or not?

Mr. CRAMTON. Of course it would be theoretically in their discretion, but if this bill passes the gentleman from Maine [Mr. WHITE] and others interested in the item will say to the Budget and to the Committee on Appropriations and to this House that because this bill is a law there is nothing to be done but to make the appropriations. For instance, I will call to the attention of the gentleman from New York—

Mr. CROWTHER. Has that policy been general, does the gentleman think?

Mr. CRAMTON. I will say this, that there was a case. I will say to the gentleman there was a bill passed with reference to the payment of certain Indian claims in Nebraska. That bill permitted the payment of interest, a thing somewhat out of the ordinary. That bill did not attract much attention when it was considered in the House. The facts were not brought forcibly to the attention of the House. Afterwards the bill became a law authorizing the payment.

The Committee on Appropriations, under the leadership of that wonderful man whose services we have just lost, took the position that the claim was unconscionable as against the Government and that we ought not to pay the amount provided by that bill. There was no division of sentiment on that question in the committee, so the committee did not report the amount to the House. The gentlemen interested in it offered an amendment on the floor, and the gentleman, if he likes excitement, will find it refreshing to look back to the RECORD and see the castigation that was heaped upon the Committee of Appropriations for not having reported the item in accordance with the law. There was no doubt in my mind then that if the item had come to the attention of the House in the beginning the House would not have approved it; but it having come up as it did, this House voted to put it in the appropriation bill, because it was authorized by existing law.

The only time to safeguard these things is before a bill becomes a law. I was unable to see that there was any report on this bill from the Budget, so I brought the matter to the attention of the Budget.

Mr. QUIN. Did not the Bureau of Fisheries designate all these items?

Mr. CRAMTON. I assume it did. There is no bureau of the Government that will neglect the opportunity to designate a number of expenditures. The matter, I am advised, was considered by the Director of the Budget and by the President. I have a letter here from the Budget. It states the bill is in conflict with the President's financial program because of the stipulated cost for stipulated fiscal years:

BUREAU OF THE BUDGET,  
Washington, May 8, 1928.

HON. LOUIS C. CRAMTON,  
Committee on Appropriations, House of Representatives.

MY DEAR MR. CRAMTON: This is in reply to your inquiry relative to the status of H. R. 13383, "to provide for a five-year construction and maintenance program for the United States Bureau of Fisheries." This measure has never been referred to this office for review. A study, however, has been made of its provisions, and it was presented to the President this morning to ascertain his attitude relative thereto. The President holds that this legislation would be in conflict with his financial program because of the stipulated cost for stipulated fiscal years.

Very truly yours,

H. M. LORD, Director.

Having that information, I made a study of the bill and I have sought to suggest an amendment that would give full force and effect to the desire of the committee to have Congress indicate their interest in this program, their desire to indicate a priority program of these improvements and still not to tie the hands of the Budget and of Congress for five years to come. I have suggested this amendment to the gentleman from Maine, but he has not as yet seen his way clear to accept it. I have much regretted that, and I have hoped that even yet he might see his way clear to accept it, because it does not destroy the work of his committee; it preserves the work of his committee, but it does not, with this amendment, tie the hands of the Budget and of Congress and would seem not to be in conflict with the financial program of the President.

The first five sections of the bill provide the construction program. Section 7 has various subdivisions having to do with this program and the appropriations authorized. I propose to add a new subdivision to be known as subdivision (d) and to read this way, leaving the first five sections as they are:

(d) That the authorizations herein given in sections 1, 2, 3, 4, and 5 with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given the various projects enumerated therein, but shall not be held to require the appropriations therein enumerated to be made in the years specified, and the appropriations enumerated are likewise authorized in prior or subsequent years in annual or supplemental appropriation bills.

In other words, that amendment makes it clear that the first five sections are the indicated program, with certain priorities; that from year to year the estimates will be made; and that each year it shall be in order for the Budget and for Congress to either expedite the program or to slow it up, as the financial conditions of that year and the revenues of the Government may seem to indicate.

Under the bill as presented by the committee, following up the suggestion of the gentleman from New York [Mr. CROWTHER], let me emphasize to the committee and to the Committee of the Whole that there is an item authorized for the year 1932 for a fish-cultural station in the State of Ohio. It is true Congress is not obliged to make that appropriation in 1932, although it will be insisted that they are committed; but if Congress should not make the appropriation in 1932 there would be no authority of law to make it in 1931, in 1933, or any other year. It is only authorized to be made in one special year.

Apart from that proposition there may be great changes in conditions as to the relative importance of these several projects in five years to come; there may be changes, so that instead of Kansas, North Dakota, and Arkansas being left until 1932 they ought to come in in 1930 and that something in 1930 ought to be postponed. Under the committee bill it is a hard and fast program that can not be modified by the Budget or by Congress because of lack of authority, but under this amendment it becomes flexible and it can be modified and changed in accordance with conditions.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. SCHNEIDER. I was just wondering whether this legislation would be carried out if we must depend upon the Bureau of the Budget to recommend appropriations in accordance with the idea of the gentleman from Michigan.

Mr. CRAMTON. My observation has been—and I perhaps have watched these things as closely as anyone here, as I have been a member of that committee ever since the Budget system was inaugurated—that the President, acting through the Budget, has shown a great desire at all times to meet the wishes of the legislative branch just as far as was reasonably possible, and I am satisfied that the enactment of this bill into law with the amendment I have suggested does not destroy the legislation, but would have a great deal of weight with the Budget next winter and each year afterwards in the making up of the program. Here would be an expression from Congress, and if financial conditions permitted it would be followed. But suppose there should come a slump in the revenues of the Government and a retrenchment had to be made, why should not this question be open for consideration as well as other questions?

Mr. BUSBY. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BUSBY. Is it the gentleman's idea that the designation of places and amounts are proper as contained in the bill? Is that satisfactory to the gentleman?

Mr. CRAMTON. I am speaking now of the first five sections, the construction program. I think the Budget takes the position that it would be helpful to have some knowledge as to the priority program desired by Congress, but that it is not desirable to tie their hands absolutely for five years to come.



Mr. BUSBY. There is no objection, however, as I understand, from the Budget to the different items being designated with the amounts.

Mr. CRAMTON. I do not know of any objection except the objection that the stipulated cost for stipulated fiscal years ties the hands of the President and ties the hands of Congress. The amendment I have suggested does not eliminate them from the bill but leaves it clearly to an expression of Congress as to what the Congress would like and provides that these items that are in the bill authorized for certain years are authorized for those years or for any preceding or subsequent year.

Mr. BUSBY. In view of the experience we have had with the public buildings bill which leaves to the Treasury the duty to designate places and amounts and in view of the fact that nothing particularly has been done during the two or three years it has been the law, does not the gentleman think it is proper—

Mr. CRAMTON. If the gentleman will permit, it is not to be said nothing has been done.

Mr. BUSBY. Outside of the District of Columbia, I will put it.

Mr. CRAMTON. The program for Federal buildings has progressed as rapidly as it could have progressed in any event.

Mr. BUSBY. Does not the gentleman think it would have progressed more rapidly and more certainly if we had designated the places and the amounts and had required those things to be done which ought to have been done and which would have given service to the country?

Mr. CRAMTON. The only delay there has been has been the necessary preliminary examination to ascertain what buildings were required and what activities ought to be housed in these buildings. If we wanted the money spent efficiently to meet the real need, it could not have advanced any further than it has.

Mr. BUSBY. Does not the gentleman think, in view of the small amount of money, relatively speaking, contained in this bill and the great urgency that we should put behind the proposition involved in the bill, it is entirely proper in this case for us to designate and require these things to be done?

Mr. CRAMTON. I do not, or I would not be making this speech. Now let me ask the gentleman a question—

Mr. BUSBY. I was trying to direct the gentleman's attention—

Mr. CRAMTON. I do not know whether the gentleman is on the committee or not.

Mr. BUSBY. No.

Mr. CRAMTON. All right; I will get a somewhat unbiased judgment.

Mr. BUSBY. The gentleman sees I have no "look in" except through the gentleman.

Mr. CRAMTON. Section 5 says there shall be a fish-cultural substation in North Dakota in 1932, and section 3 says there shall be one in Florida in 1930.

There is a section here with reference to contributions by the States, and so forth. Now, does not the gentleman conceive it is possible that in three years' time or five years' time there may be such a change in conditions affecting North Dakota and Florida that the Florida item might not be ready in 1930? I know that is a violent assumption. I think they would always be ready for \$100,000 to be spent in Florida; but assuming they were not ready in 1930, and North Dakota was ready, Congress ought to have the authority, the Budget ought to have the authority, and the Appropriations Committee ought to have the authority to switch these items around, and under the committee bill this could not be done.

Mr. BUSBY. In answer to that I would suggest that the Congress would still have that power over these items when it became apparent they were not needed.

Mr. CRAMTON. But it would need legislation.

Mr. BUSBY. Yes; but we could still do those things just as we can protect the Treasury in the initiation of them.

Mr. CRAMTON. If it is so easy to get legislation, the Committee on the Merchant Marine and Fisheries could bring this bill in every year instead of having a five-year program in one bill.

Mr. BUSBY. But we have to plan and start our work before it can be carried out, and it seems to me that the planning of the expenditure provided in this bill is very fair and very reasonable, and gives a very fair and very reasonable allocation all along the line.

Mr. BLACK of New York. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. BLACK of New York. Is it the gentleman's theory that if the bill is passed without the amendment he suggests, in case the Appropriations Committee in the first year on the first item refuses to appropriate, the whole authorization falls down?

Mr. CRAMTON. Oh, no; not at all. For instance, for the first year there are authorized items for New Mexico and Idaho for fish-cultural stations. If Congress failed to make the appropriation authorized for these items in that year there would be no authority to make the appropriation the next year, but other items would not be affected thereby.

Mr. ASWELL. Will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. ASWELL. In case of the contingency which the gentleman mentioned between Florida and North Carolina in 1930, would not Congress be in session that year?

Mr. CRAMTON. Congress would be in session every year, as the gentleman and I both are quite aware from some experience, but the committee has indicated by reporting out a five-year program that it is not easy to report legislation year after year.

Mr. ASWELL. This is not the only bill that this Congress has passed providing a plan for three years or five years, and the committee has studied this question perhaps more than any gentleman in the House and the five-year program came from the Director of the Budget—

Mr. CRAMTON. If the gentleman has a question, all right. I can not yield for a speech. I am afraid the gentleman does not approve of the force of my speech.

Mr. ASWELL. I did not get the force of it.

Mr. CRAMTON. Does the gentleman wish to ask a question?

Mr. ASWELL. I do. I want to know if the gentleman knows that the five-year program was suggested by the Bureau of the Budget?

Mr. CRAMTON. Oh, it was not suggested by the Bureau of the Budget.

Mr. DAVIS. Oh, yes.

Mr. CRAMTON. I am advised by the Budget that this bill has never been submitted to them and they were never asked for a report on it until I made my request.

Mr. DAVIS. Will the gentleman yield?

Mr. CRAMTON. I yield, but I can not yield indefinitely.

Mr. DAVIS. I want to say that that statement is true, but the matter was discussed by the committee with the Director of the Budget last year and the Director of the Budget was the one that originally suggested a five-year program.

Mr. CRAMTON. All right; and General Lord states to me that in so far as an indication of priority is concerned, he likes the idea, and that is preserved in my amendment; but when you come to tie him down definitely for five years and provide that the appropriations must be made at a certain time no matter what is the condition of the Treasury, he does not approve it.

Mr. LINTHICUM, Mr. GREEN, and Mr. SMITH rose.

Mr. LINTHICUM. I merely want to say to the gentleman that I have no doubt he remembers some years ago we passed a bill authorizing an appropriation for parks to the extent of a cent for each inhabitant of the United States. The Committee on Appropriations has not made the appropriations in accordance with that bill.

Mr. CRAMTON. That bill said "not to exceed so much," and I expect to ask the committee to put the words "not to exceed" in a certain part of this bill.

Mr. LINTHICUM. Then it will be like the parks and we will not get the appropriation.

Mr. CRAMTON. Well, it leaves some discretion to Congress. Mr. SMITH. In what way does the program laid out in this bill differ from the program laid out in regard to the building of roads? For instance, a few years ago we authorized an appropriation of \$7,500,000 to be expended, one-third each year, for three years in the national parks. Is not this a similar program, providing for the expenditure of so much money each year for a period of five years?

Mr. CRAMTON. I am not sure that that was passed while the Budget system was in operation; it was some time ago, and I am not sure of the text of it.

Mr. GREEN. Will the gentleman yield?

Mr. CRAMTON. I will yield.

Mr. GREEN. I do not see anything to prevent our adding to this two years from now.

Mr. CRAMTON. I can only repeat what I said—legislation can be passed, but the Appropriations Committee would have no authority to recommend an appropriation.

Mr. GREEN. Does not the gentleman know that the industry is declining?

Mr. CRAMTON. I can not yield to go into that.

Mr. CROWTHER. Will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. CROWTHER. Does the gentleman know whether the geographical allocation is equal—are all the States here except

those that now have fish hatcheries? It seems to me almost like a miniature river and harbor bill.

Mr. CRAMTON. As the gentleman from New York [Mr. LA GUARDIA] says, it suggests a pork bill. I assume that the committee has intended to satisfy all the different States that were interested in the subject.

Now, I am trying to emphasize that this bill as drawn, specifying a program of expenditure for certain years, several years to come, is intended to leave no discretion to the Budget, no discretion to the Appropriations Committee—and is intended to leave no discretion to the Congress in subsequent years. It is intended now to fix definitely the appropriations for five years to come.

If the Committee on the Merchant Marine and Fisheries can report a definite program that the President says is in opposition to his financial program, because it does fix stipulated cost, then the Committee on Military Affairs, the Committee on Naval Affairs, the Committee on Agriculture, and every other committee of the House likewise may do it, and are likely to do it. If we are to have a Budget system, this sort of thing can not exist; and if it does, you will destroy the Budget system.

Mr. GARRETT of Texas. Is not that just what the Committee on Military Affairs did do in a five-year program?

Mr. CRAMTON. The Committee on Military Affairs and other committees show a tendency that way, and my remarks are to sound a note of warning that if you want a Budget system, you have got to stand by the side of the executive branch in its defense.

I repeat what I said before, that I believe the Budget system was the salvation of the finances of the Government following the World War, and that the Budget system could not have accomplished what it has accomplished without the legislative and the executive branches of the Government working side by side in carrying it out. The President alone can not make a successful Budget system. The Congress alone can not make a successful Budget system. There must be a cooperation of both of the branches in order to make it successful.

A few years ago in a certain Western State they adopted a budget system. Then they elected a governor and a legislature on an economy platform. That winter the legislature passed and the governor signed appropriations totaling more than they ever had made before in any one year in that State. Why? Because when the legislature met there were a number of men who wanted certain bridges built, there were a number of men who wanted certain roads constructed, there were a number of men who wanted certain institutions built, and they joined together in a program which they sent to the governor and which he accepted and which abrogated the budget system they had created and made appropriations greater than they had ever passed before in any one year.

Congress up to this time has cooperated, and the Budget system has been successful. But if we are to adopt this policy because this program looks good, because this other thing looks good, and that expenditure seems desirable and this one seems to be needed—if we are to judge each one separately, we will have a total far beyond the revenues of the Government.

Mr. CRISP. Will the gentleman yield?

Mr. CRAMTON. I will.

Mr. CRISP. The gentleman is quite familiar with the activities of the Government. I supported this law, but I would like to ask my friend if he thinks it was the intention of Congress when the Budget law was enacted that Congress should abdicate its powers to the Budget Bureau as to the policy to be pursued by the Government in undertaking new propositions?

Mr. CRAMTON. Congress not only did not abdicate its functions, under the Constitution it could not abdicate its responsibility. It has not abdicated its functions, but that does not prevent this House taking the position that we recognize the importance of an orderly system of governmental expenditures, and that we are going to cooperate with the administration to bring that about. It is not a question of abdicating our functions, it is a question of performing those functions in the most efficient manner possible. When we pass a bill here which says that five years from now in a certain year we are to build a fish hatchery in the State of Florida and that three years from now we are to build a fish hatchery in the State of North Dakota, we are not abdicating our functions, but we are not maintaining them, and we are frittering away our opportunity and our responsibilities.

Mr. CRISP. I am not concerned about this bill. I know under the present administration if a bill is introduced in Congress providing a new undertaking or a new policy, even if the Secretary of the Department having charge of the matter feels favorably inclined to the legislation, yet when the committee of

Congress submits the bill to the Budget and they are forced to do so, and the Budget makes an adverse report, then that particular department notifies the committee of the House that the legislation is in conflict with the President's economy policy, and therefore are against it.

Mr. CRAMTON. Certainly.

Mr. CRISP. Is not that pressing the Budget System far beyond what was intended? When we leave to the administration the question of whether Congress shall embark on a new policy, are we not going far beyond what we intended originally by the Budget?

Mr. CRAMTON. Not at all. That is not what is involved. The different departments are a part of the executive branch of the Government, and when the President starts out on a policy of economy, if he means business and really wants economy, there is only one thing that he can do and that is to say to the various parts of the executive branch of the Government, "You must cooperate with me; there must be some coordination." But from the very beginning of the Budget plan, Congress has insisted upon its right to have any information it asks for, and there is not a bill which comes before the Committee on Appropriations but that a request is made for information concerning items that are not in the Budget, or, if desirable, an increase is made in items that are in the Budget. When Congress asks for that information, it is the business of the executive branch of the Government to give the information. Then the prohibition is off, the information is given. Let me say to the gentleman from Georgia, that the way this thing has operated from the beginning emphasizes that an efficient and effective budget system must be bottomed upon cooperation of the executive and the legislative branches, and so, when the President sent in his first budget of estimates, the appropriation committee adopted a policy to govern all of its subcommittees and that policy was that we would not report to the House any appropriation bill that exceeded in its total the amount specified in the Budget. We were not obliged to adopt the policy. Congress was not obliged to approve the policy, but Congress, I think, has approved it. The result of that was that if we did not increase the total of any one of the appropriation bills above the total of the Budget, the total of all the bills would not exceed the total in the Budget, and the result of that has been that each year Congress has recommended an expenditure lower than the Budget recommended—in all many millions. But accompanying that, too, by reason of our constitutional authority, we have frequently recommended that this or that item be reduced, or that certain items be increased, and oftentimes that items be inserted which were not in the Budget at all, keeping only in mind that the totals should not be above the totals in the Budget. The great purpose of the Budget is to insure a comparison of the supposed expenditures with the anticipated revenues of the Government, and so long as we keep within the totals we are not disturbing that balance between the receipts and expenditures.

Mr. CRISP. Mr. Speaker, I am in perfect accord with the last statement of the gentleman that the Executive send the Congress estimates for appropriations for objects authorized by law.

Mr. CRAMTON. Yes.

Mr. CRISP. For the purpose of preventing competition between the various departments and cutting off unnecessary overhead charges. I think that was what was clearly intended when the Budget was adopted—that the administration should pass on the necessity for appropriations for objects already authorized by law, and how much should be appropriated for each of those objects; but I do not believe it was intended by Congress, nor do I believe it is right, that Congress would have to submit to the Bureau of the Budget and get its report upon a new project or new legislation, and that if the Budget is opposed to it that the Secretary of that department must muzzle his own views as to the legislation and report to Congress that the legislation is opposed to the President's policy of economy, and that is the case to-day. [Applause.]

Mr. CRAMTON. If the gentleman from Georgia were the Executive and administered the executive branch of the Government along the lines he has indicated he might cherish economy as a delightful program; but it would be only a dream. The actual realization of it would not occur, because there must be this coordination, and failing of coordination, if every head of a bureau is at liberty to run to Congress and make a personal appeal for additional expenditures without hindrance, you would not have much left in the way of a Budget system so far as practical results are concerned. I think perhaps I should say this to the gentleman from Georgia, so that I may not be misunderstood. I never have, and I do not intend now, to argue that Congress must slavishly follow the recommendations



of the Budget. The mere fact that the Budget disapproves of a proposed expenditure is not alone and of itself reason why I would vote against that expenditure. It may be a contributing cause; it ought to have consideration by the Congress; but need not necessarily be conclusive as to a particular expenditure. In this case, however, this bill goes far beyond a proposal that might be made as to a particular expenditure that is desirable to-day. Suppose this were a bill to establish a fish hatchery in the State of Florida. The gentleman from Florida [Mr. GREEN] would have his information, and even if there were a disapproval here from the Budget, it might be that with a presentation of facts as they now exist, for an expenditure now to be made, we might conclude to make it. But here comes a bill that proposes a program of expenditure for five years to come and which says that five years from now, without knowledge as to what the condition of the Treasury then will be, without knowledge as to what the conditions then will be in the State of Florida, we must make an appropriation for a fish-cultural station there at \$75,000. Here is a program laid down that ties the hands of the Budget for five years to come.

Mr. GREEN. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I will yield for a question.

Mr. GREEN. Would not the gentleman prefer to take what appears to be the unanimous recommendation of his fellow committeemen and colleagues rather than that of the Bureau of the Budget?

Mr. CRAMTON. Oh, the gentleman knows that if I did I would not be making this speech. I think the gentleman knows that I do not make speeches for the fun of making them. I hope to accomplish results, although I am not entirely certain at times. But I will say this: There has to be this cooperation between the Executive and the legislative branches to secure the success of the Budget system. If it were this bill alone, this one bill, I would not feel so concerned about it. But standing as a practice that is growing in this House and a practice that will grow more rapidly if this bill becomes a law, I felt it necessary to sound a note of warning. I say, if we are to have a successful cooperation, sooner or later if the President desires to protect the integrity of the Budget system he will find it necessary to veto such legislation as this, because this legislation, expanded through different committees of Congress, means destruction of the Budget.

Mr. BOYLAN. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. I yield.

Mr. BOYLAN. I would like to ask the gentleman if it is not far better to have a broad, comprehensive plan extending through the years than to go at things piecemeal?

Mr. CRAMTON. Oh, yes. It appears to me that the gentleman was not here in the earlier part of my remarks; and, therefore, I think it is desirable to close with this emphasis on what I am proposing. I am not suggesting any limitation of the program that the committee outlined. It is true that it is desirable to make up a comprehensive program, and it is desirable to make up a program for several years ahead, based on the best information we have now. That is true; but I am objecting to making it inflexible. I am objecting to tying the hands of the Budget five years or six years to come.

I have suggested an amendment which I will read again. It will not destroy the bill, but in my judgment it will make it more effective and more workable. I am suggesting that these items as to the construction program for five years remain as they are, to stand as an expression of the policy desired by Congress, to stand as the present view of Congress with reference to the desired priority, but to give some discretion to the Budget and to Congress as to the years following.

The amendment I suggest is this—

That the authorization herein given in sections 1, 2, 3, 4, and 5 with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given to the various projects enumerated therein, and shall not be held to require the appropriations therein enumerated to be made in the years specified, and the appropriations enumerated and likewise authorized in prior or subsequent years in annual or supplemental appropriation bills.

Then, as the years pass, in connection with the financial conditions of each year and the success in working out the proposed fisheries policies, the appropriations may be either expedited or retarded as Congress may desire.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. CRAMTON. Yes.

Mr. DAVIS. If that amendment is adopted, it would give the Committee on Appropriations authority to defer for 5 or 10 years, or any number of years, the appropriations for the project.

Mr. CRAMTON. The Appropriations Committee is only the servant of the House.

I think I am performing my responsibility and my duty, and I shall accept the vote of the House in deciding this question, just as the House decides every question in an appropriation bill. The recommendations of the Committee on Appropriations have often been overridden and will be hereafter overridden. If the recommendations made by the Committee on Appropriations meet the approval of this House, they stay in the bill. If their recommendations do not meet the approval of the House, they do not stay in the bill.

I will say frankly that this amendment is not offered with the expectation or intention of slowing up or retarding a desirable program, but in order to have some flexibility, so that each year the thing can be taken care of in the light of the facts then existing. I think the chances are at least equal, if my amendment is adopted, that appropriations might be expedited instead of retarded, because I think that gentlemen who are down at the end of the priority list are all going to be interested in expedition. [Applause.]

Mr. WHITE of Maine. Mr. Chairman, I yield five minutes to the gentleman from Pennsylvania [Mr. SHREVE].

The CHAIRMAN. The gentleman from Pennsylvania is recognized for five minutes.

Mr. SHREVE. Mr. Chairman and gentlemen of the House, first I want to congratulate the gentleman from Maine [Mr. WHITE] and his committee on bringing out this splendid bill. [Applause.]

It has been apparent for some time to those of us who are handling the appropriations for the Bureau of Fisheries that there should be a building program in the Bureau of Fisheries. Now, it seems to me that the Bureau of Fisheries is about the last Government activity that has not received the attention of Congress. We have taken care of almost everybody else. Appropriations have been provided for about all the other activities, and now we come to the Bureau of Fisheries. It stands about where it stood 10 years ago. There has been no expansion. Sometimes we went down into the flour barrel to get a little money to help the Commissioner of Fisheries to get a fish hatchery established in North Carolina or elsewhere, but it has not been sufficient for proper development, not sufficient to cover the demands coming from every State in the Union—and they come every year. It seems that in this last year we have had more demands upon us than we have ever had before.

So I am glad that the gentleman from Maine [Mr. WHITE] and his committee have at this time brought in this very meritorious measure. I hope to see it pass this House, and pass this afternoon. [Applause.]

There is much in it besides the recreational feature. There is another feature which refers to the commercial side and which refers to the scientific side. There is much in the bill. You have all read the bill, and I will not attempt to enumerate the things in it, but I want to say that many of us for years have been going across the boundary line into that splendid country to the north of us. Many of us spend much time up there every year, and many more would if they could. But, my friends, I want to bring good fishing right down to the man at home, to the man who stays at home, and to those who live so far away that they can not go across the Canadian border like some of the rest of us do. They are compelled to stay in the hot cities during the summer months, and possibly they can get away for a day or two at the week end and go to some stream or some lake where they can enjoy good fishing. I have been fishing all my life. I know what good fishing is, and I know I would like to have all my friends enjoy it as much as I do. [Applause.]

Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. SHREVE. I know of no recreational pursuit, which would command a greater number of enthusiasts or do more in building up our bodies tired with the cares of to-day, than will good fishing. Therefore I am for good fishing.

I am also for good fishing as an auxiliary food supply to that produced by the land. I believe our water resources should be as carefully husbanded as our land resources. I believe they merit the same care and thought as to ways and means of increasing their productivity, by fertilization, by cultivation, and judicious management. I believe that with the development of proper methods it will be possible to make thousands of acres of our water areas productive of fish, of oysters, of clams, of fresh water mussels, and other valued aquatic products.

Members of this body remember when our waters were far more productive of fish life than they are to-day; when in nearly every body of water we could catch a mess of fish

within a reasonably short period of time. With these thoughts in mind let us consider present-day conditions in the cold light of fact.

This bill provides added facilities—new stations, larger and better stations, and it is only by such means that we can hope to satisfy this demand for fish. To foster and encourage the return of our people to the quiet places of nature and to see that they may enjoy good fishing and hunting, I believe to be a good investment and I am for it.

I am also greatly concerned about our great commercial fisheries and the falling off in the catch. In Lake Erie, which has been and should continue to be one of the greatest food-fish producing bodies of water in the world, the catch declined from over 76,000,000 pounds to 38,000,000 pounds during the period 1915 to 1925, a decline of 50 per cent, and the end of the decline appears to be not in sight.

A survey made the past summer indicates that the fishery experienced the worst slump in its history. The white fish and ciscoe are approaching extermination and the yellow perch and yellow pike appear to be growing scarce. Only the blue pike, the sauger, and sheepshead appear to be holding their own. While cultivated water areas are capable of producing from 150 to 300 pounds of fish per acre, the productivity of Lake Erie is only 10 pounds per acre.

Some of my colleagues may ask if this or that cause does not explain the decline. Frankly, I do not know. I do know that this bill is aimed to provide the Bureau of Fisheries with funds for finding the answers and I have the confidence to believe that given the funds they will be able to work out a satisfactory system of fish husbandry. Provisions for such work are contained in the sections for increasing the appropriations and personnel of the divisions of inquiry and fishery industries.

What I have said with respect to Lake Erie and the other Great Lakes applies to our other interior and coastal water fisheries. In the Hudson River, once famed for shad, the catch has fallen from about 4,400,000 to 125,000 pounds in 35 years, and a considerable percentage of the shad now consumed on the Atlantic seaboard is caught in the rivers of California, the progeny of earlier plantings from the Atlantic coast by the Bureau of Fisheries.

In 25 years the catch of the celebrated sockeye salmon in the three Pacific Coast States decreased from forty-two to less than seven million pounds, and only by heroic efforts on the part of the Bureau of Fisheries are the salmon fisheries of Alaska being maintained. Many illustrations of this character might be given, but these will serve to show the need for expanding the research program as provided for in this bill.

While the sea is far from being a limitless storehouse of food and other products, man can undoubtedly draw upon its resources to a much greater extent than at present. Recent advances in knowledge have disclosed the value of sea products as a feed for cattle, hogs, and poultry. From what has been learned, it appears by the use of this material some of the worst ills to which our domestic animals are subjected can be largely if not wholly eliminated, particularly goiter, tuberculosis, and so forth. While such foods will not be produced in sufficient quantities to replace present foods, effort should be made to develop satisfactory ways and means of recovery of such products and to render them available. While this may involve the development of technical processes, the results will justify the expenditure. I am told that we are far behind European countries in the development of such processes and uses. This bill contains provision for an expansion of technological research by the Bureau of Fisheries, which in the light of previous work of this character will pay for itself many times over in added wealth.

Under the provisions of this bill, instead of expanding the work of the Bureau of Fisheries in spots with the attendant weaknesses of such development, an effort has been made to develop a well-rounded program. I believe the Members of this body are thoroughly conversant with the need for more fish-cultural stations. The fullest efficiency of the stations depends upon the development of ways and means for controlling epidemics of fish diseases which may break out at these stations; also of improving the fertility and productivity of the ponds and by selective breeding to produce brood stocks which are disease resistant, are productive of a greater number of eggs, and of a stock of faster growing fish. This is but a single illustration to reveal the interdependence of the several divisions, provisions for which are contained in the bill. [Applause.]

The Clerk read as follows:

*Be it enacted, etc.,* That there are hereby authorized to be appropriated during the fiscal year beginning July 1, 1928, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: New Mexico, \$50,000; Idaho, \$60,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: Wisconsin (in the southern part of the State), \$50,000; Montana, \$35,000.

(3) The establishment of fisheries laboratories in the State of Washington, at a cost not to exceed \$100,000, and a laboratory in the Territory of Alaska, at a cost not to exceed \$50,000.

(4) The establishment of experimental and bass and trout stations in the State of Maryland or West Virginia at a cost not to exceed \$60,000.

(5) The purchase and repair of the Rogue River substation in the State of Oregon, at a cost not to exceed \$35,000.

Mr. CROWTHER. Mr. Chairman, I offer an amendment. In subdivision 5 of the first section, after the word "Oregon," add the words "and Oklahoma." I see Oklahoma is not in this bill and I think it ought to be in it.

Mr. HASTINGS. Mr. Chairman, I hope the committee can see its way clear to accept that amendment.

Mr. HOWARD of Nebraska. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York by adding "Nebraska." I can not find Nebraska in the bill.

Mr. CROWTHER. Mr. Chairman, I accept the amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. CROWTHER: On page 2, in line 11, after the word "Oregon," insert "and Oklahoma."

Mr. CRAMTON. I hope the gentleman from Oklahoma will not be too enthusiastic. It says "Rogue River substation."

Mr. HASTINGS. I would like to see Oklahoma in the picture, because I think it would help matters very materially.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. HOWARD of Nebraska. Mr. Chairman, I offer an amendment to the amendment offered by the gentleman from New York by adding, after the word "Oklahoma," the words "and Nebraska."

The CHAIRMAN. The gentleman from Nebraska offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. HOWARD of Nebraska to the amendment offered by Mr. CROWTHER: After the word "Oklahoma" insert "and Nebraska."

Mr. HOWARD of Nebraska. Mr. Chairman, the righteousness of it is so apparent that I will not take up any time.

Mr. McKEOWN. Mr. Chairman, I will say to the gentleman that I am one of the members of this committee who has no fish hatchery in this bill, and we are not asking for one at this time. The gentleman from Nebraska has a fish hatchery.

Mr. HOWARD of Nebraska. Two or three of them.

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from Nebraska.

The amendment was rejected.

The CHAIRMAN. The question is now on the amendment offered by the gentleman from New York.

The amendment was rejected.

Mr. LA GUARDIA. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from New York is recognized for five minutes.

Mr. LA GUARDIA. Mr. Chairman, it is suggested and urged by the committee that the provisions of this bill will greatly increase the production of fish. Well, this bill looks more like pork than fish to me. A portion of the pork is handed to no less than 33 States involved, and the question here is, seemingly, whether or not, regardless of the budgetary program, Congress is to legislate and authorize the appropriation of funds years in advance.

There is no one who is more jealous of the rights of Congress than I am; in fact, I believe I am a source of annoyance both to my colleagues on the floor and in committee in standing for the prerogatives of Congress. Yes, I can not see any conflict between the Budget Bureau and Congress. The Budget Bureau is simply an adviser, and if we are to legislate intelligently, with the ever-increasing functions of the Federal Government, no body of men of 435 members can possibly go into the details of expenditures without the aid of a fact-finding bureau such as the Budget Bureau is for Congress.



Mr. McKEOWN. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. McKEOWN. Where is the fact-finding bureau for the Navy Department's five-year program?

Mr. LAGUARDIA. Well, that is entirely different, for the simple reason that there you have the construction of large vessels which require over a year to complete, and it would be impossible to appropriate each year or to authorize each year the amount for the installment construction of a ship during a specific fiscal year. But the gentleman knows I have always taken a stand against extravagant programs looking into the future.

A former distinguished Member of this House, the lamented Julius Kahn, of California, was fond of telling a story of an appropriation, such as we have before us, during the early days of his service in this House, some 25 or 30 years ago, when an appropriation was made for a fish station in some inland State, and under the authorization the Committee on Appropriations was compelled to make the appropriation. They had the money for the fish hatchery in an inland State, in an inland town, and in order to be able to use the money they had to go to the Committee on Rivers and Harbors and get an appropriation to build a canal, bringing some water from the river into the town. I do not know how much fish the State of Idaho produces, or the State of Montana or the State of Arkansas or the State of Indiana—

Mr. SMITH. I can tell the gentleman, so far as Idaho is concerned. We are endeavoring to take care of our fish industry there. We have 10 hatcheries that are kept up at the expense of the State, but our State is the only one in that northwestern country that has no Government fish hatchery.

Mr. LAGUARDIA. So the gentleman's State is included in the 33 States in this list.

The gentleman from Pennsylvania makes it a sporting proposition, the gentleman from Maine makes it a food proposition, and the gentleman from Idaho makes it an equitable proposition, because his State has no Federal hatchery to date.

Mr. SCHNEIDER. Will the gentleman yield?

Mr. LAGUARDIA. Yes.

Mr. SCHNEIDER. Are they not all correct?

Mr. LAGUARDIA. Oh, I suppose so. At any rate, I want to say to the committee that the amendments suggested by the gentleman from Michigan [Mr. CRAMTON] limiting future appropriations are wholesome and should not be resisted. I shall vote for the amendments, and by the looks of things, with 33 States looked after in this bill, there will not be many votes for the amendments.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 2. There are hereby authorized to be appropriated during the fiscal year beginning July 1, 1929, such amounts as may be necessary for—

(1) The establishment of a fish-cultural station in each of the following States, at a cost not to exceed the amount specified: Alabama, \$50,000; Indiana, \$50,000; Louisiana, \$50,000; Tennessee (in the central part of the State), \$50,000; Pennsylvania, \$100,000.

(2) The establishment of a fish-cultural substation in each of the following States, at a cost not to exceed the amount specified: New Hampshire (in the White Mountain Forest), \$25,000; South Carolina, or the enlargement of Orangeburg station in said State, \$35,000; Texas (in the western part of the State), \$35,000; Colorado, \$20,000.

(3) The purchase of Mill Creek station in the State of California, at a cost not to exceed \$20,000.

(4) The enlargement of Cape Vincent station in the State of New York, at a cost not to exceed \$25,000.

Mr. HUDSON. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. I notice in respect of several of these items, for instance, the one in Tennessee, you say "in the central part of the State," and in section 2, "in New Hampshire, in the White Mountain Forest," and "in Texas, in the western part of the State," and so on. Does this mean that later on you will ask for stations in other parts of these same States?

Mr. WHITE of Maine. Not at all.

Mr. SMITH. Why do you designate where they shall be in the particular States?

Mr. WHITE of Maine. As I said in my opening remarks, every single item in this bill has the specific approval of the experts of the Government and in statements filed before the committee the reasons for the recommendations are set forth. In this particular instance the bureau knows now where in the State of Tennessee it desires this particular hatchery to be put and where the bureau so designated, we follow the recommendation of the bureau and have indicated it in this general

way. Where there is no specific designation, the location will hereafter be determined according to conditions.

Mr. PARKS. Will the gentleman yield?

Mr. WHITE of Maine. Yes.

Mr. PARKS. The Bureau of Fisheries will cooperate in the various States with the State bureau of fisheries, if that is their proper designation, in locating these fish hatcheries, in order to locate them in the most suitable and most convenient place possible.

Mr. WHITE of Maine. They will be located where they can carry on comparatively with the largest measure of success.

The pro forma amendment was withdrawn.

The Clerk read as follows:

SEC. 7. (a) The stations, substations, and laboratories authorized by sections 1, 2, 3, 4, 5, and 6 shall be located in the States and parts thereof and in the territory specified, at such suitable points as may be selected by the Secretary of Commerce.

(b) Any appropriation made under authority of sections 1, 2, 3, 4, 5, and 6 may be expended for the purchase of sites, the purchase of equipment, the construction of buildings and ponds, and for such other expenses as may be incidental to the cost of the establishment, purchase, or enlargement, as the case may be, of the station, substation, or laboratory in question.

(c) No part of an appropriation made under authority of section 1, 2, 3, 4, 5, or 6 shall be expended in the construction, purchase, or enlargement of a station or substation until the State in which such station or substation is to be located shall have by legislative action accorded to the United States Commissioner of Fisheries and his duly authorized agents the right to conduct fish hatching and fish culture and all operations connected therewith in any manner and at any time that may by the commissioner be considered necessary and proper, any laws of the State to the contrary notwithstanding. The operation of any station, substation, or laboratory established, purchased, or enlarged under authority of this act shall be discontinued whenever the State ceases to accord such right; and such operation may be suspended by the Secretary of Commerce whenever in his judgment State laws or regulations affecting fishes cultivated are allowed to remain so inadequate as to impair the efficiency of such station, substation, or laboratory.

#### DISTINGUISHED VISITOR

Mr. FISH. Mr. Chairman, I ask unanimous consent to proceed out of order for two minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. FISH. Mr. Chairman and members of the committee, it is a great privilege and honor to present to the Members of the House, Mr. Nicola Sansanelli, the president of the F. I. D. A. C., which is the mother organization of all the associations of World War veterans. Mr. Sansanelli is a distinguished member of the Italian Chamber of Deputies. He was wounded six times while serving in the Italian Army during the World War. It is a great honor for me, as a veteran, to present him to the House of Representatives. [Applause, the Members rising.]

I am authorized to invite the veterans in the House to meet Mr. Sansanelli immediately in the Ways and Means Committee room.

#### CONSTRUCTION AND MAINTENANCE PROGRAM OF THE BUREAU OF FISHERIES

Mr. CRAMTON. Mr. Chairman, I offer the amendment which I send to the desk.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. CRAMTON: Page 6, after line 9, insert a new paragraph as follows:

"(d) That the authorizations herein given in sections 1, 2, 3, 4, and 5 with reference to appropriations for certain specified years are for the purpose of indicating priority proposed to be given the various projects enumerated therein, but shall not be held to require the appropriations therein enumerated to be made in the years specified, and the appropriations enumerated are likewise authorized in prior or subsequent years in annual or supplemental appropriation bills."

Mr. CRAMTON. Mr. Chairman, this is the amendment that I have discussed.

Mr. GREEN. Mr. Chairman, I reserve a point of order.

Mr. CRAMTON. Mr. Chairman, I make the point of order that the gentleman's point of order comes too late.

Mr. GREEN. I spoke as soon as I could. I reserved the point of order as soon as the Clerk quit reading the amendment.

Mr. CRAMTON. No; I had started my remarks before the gentleman rose.

Mr. GREEN. Certainly, as soon as I could get recognition. The CHAIRMAN. The gentleman from Michigan had started debate. The Chair therefore sustains the point of order of the gentleman from Michigan.

Mr. CRAMTON. Mr. Chairman, I do not want to take further time. I have expressed myself fully. I simply want to identify the amendment as being the one I discussed in my speech.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CRAMTON].

The amendment was rejected.

Mr. CRAMTON. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 6, line 12, after the word "appropriated," insert the words "not to exceed."

Mr. CRAMTON. Mr. Chairman, the purpose of this amendment is to permit the Congress to have some discretion to grant as much as needed each year.

Mr. WHITE of Maine. Mr. Chairman, this question was considered at great length by the committee. It is the judgment of the committee that this provision is necessary to properly respond to and meet the purposes of the bill.

Mr. STEVENSON. And I will call attention to the fact that if Congress did not think it needed that appropriation it would not spend it.

Mr. CRAMTON. If that is to be the understanding there is no need of my amendment. If the Appropriations Committee shall consider the needs that may then exist—if that is the understanding of the gentleman from Maine, I will withdraw my amendment.

The CHAIRMAN. The question is on the amendment of the gentleman from Michigan.

The question was taken, and the amendment was rejected.

Mr. CRAMTON. I have another amendment, and I think this will commend itself to the committee.

The Clerk read as follows:

Page 6, beginning in line 21, after the word "appropriated," strike out the remainder of line 21, all of line 22, and insert "not more than 30 per cent shall be."

Mr. CRAMTON. I will state the purpose of this amendment. As the bill stands it provides that exactly 70 per cent shall be used in the field and 30 per cent for salaries. The purpose of the committee is to limit the amount that can be spent for salaries. When you say exactly 70 per cent for this and 30 per cent for that you have a difficult proposition. I am suggesting that not more than 30 per cent shall be spent for salaries and let it go at that. I think that is the purpose of the committee.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken; and on a division (demanded by Mr. CRAMTON) there were 25 ayes and 59 noes.

So the amendment was rejected.

The Clerk completed the reading of the bill.

Mr. WHITE of Maine. Mr. Speaker, I move that the committee do now rise and report the bill to the House with the recommendation that it do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 13383 and had directed him to report the same back without amendment, with the recommendation that it do pass.

Mr. WHITE of Maine. Mr. Speaker, I move the previous question on the bill to final passage.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. WHITE of Maine, a motion to reconsider the vote whereby the bill was passed was laid on the table.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had agreed to the amendments of the House of Representatives to bills of the following titles:

S. 797. An act granting the consent of Congress to the J. K. Mahone Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Wellsburg, W. Va.;

S. 1480. An act authorizing certain Indian tribes and bands, or any of them, residing in the State of Washington, to present their claims to the Court of Claims; and

S. 3862. An act authorizing J. T. Burnett, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Tiptonville, Tenn.

The message also announced that the Senate disagrees to the amendment of the House of Representatives to the joint resolution (S. J. Res. 23) entitled "Joint resolution providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the Old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. FESS, Mr. HOWELL, and Mr. McKELLAR to be the conferees on the part of the Senate.

The message further announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 12875, entitled "An act making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1929, and for other purposes."

The message also announced that the Vice President had appointed Mr. REED of Pennsylvania and Mr. FLETCHER members of the joint select committee on the part of the Senate as provided for in the act of February 16, 1889, as amended by the act of March 2, 1895, entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," for the disposition of useless papers in the War Department.

#### SENATE BILLS REFERRED

Bills of the following titles were taken from the Speaker's table and, under the rule, referred to the appropriate committees, as follows:

S. 444. An act for the relief of H. C. Magoon; to the Committee on Claims.

S. 1857. An act authorizing the Delaware & New Jersey Bridge Corporation, a corporation of the State of Delaware, domiciled at Wilmington, Del., its successors and assigns; George A. Casey, of Wilmington, Del.; Clifford R. Powell, of Mount Holly, N. J.; and Anthony J. Siracusa, of Atlantic City, N. J., their heirs, executors, administrators, or assigns, to construct, maintain, and operate a bridge across the Delaware River at or near Wilmington, Del.; to the Committee on Interstate and Foreign Commerce.

S. 3171. An act providing for a Presidents' plaza and memorial in the city of Nashville, State of Tennessee, to Andrew Jackson, James K. Polk, and Andrew Johnson, former Presidents of the United States; to the Committee on the Library.

#### ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that they had examined and found truly enrolled bills of the following titles, when the Speaker signed the same:

H. R. 9481. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1929, and for other purposes; and

H. R. 10141. An act granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, etc., and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors.

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 805. An act donating Revolutionary cannon to the New York State Conservation Department;

S. 1456. An act to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex.;

S. 3791. An act to aid the Grand Army of the Republic in its Memorial Day services, May 30, 1928; and

S. 3947. An act to provide for the times and places for holding court for the eastern district of North Carolina.

#### BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that this day they presented to the President of the United States, for his approval, bills and joint resolution of the House of the following titles:

H. R. 4357. An act for the relief of William Childers;



H. R. 6492. An act to authorize the Secretary of War to donate to the city of Charleston, S. C., a certain bronze cannon; and H. J. Res. 177. House joint resolution authorizing the erection of a flagstaff at Fort Sumter, Charleston, S. C., and for other purposes.

## ORDER OF BUSINESS

Mr. TILSON. Mr. Speaker, I ask unanimous consent that when the business of the Committee on Merchant Marine and Fisheries is concluded this afternoon we may take up the Consent Calendar where we left off yesterday and continue to consider it until the usual hour of adjournment.

Mr. DAVIS. I do not think there will be any objection to the other two bills. They are navigation bills and will not consume much time.

The SPEAKER. The gentleman from Connecticut asks unanimous consent that at the conclusion of the two other bills to be called up by the Committee on Merchant Marine and Fisheries that it may be in order to consider the Consent Calendar beginning where the House left off yesterday. Is there objection?

There was no objection.

## PUBLIC-HEALTH ACTIVITIES

Mr. MAPES, from the Committee on Interstate and Foreign Commerce, presented a conference report on the bill H. R. 11026, for printing under the rule.

## MASTERLY INACTIVITY OF THE REPUBLICAN PARTY ON COAL

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record by printing an address which I delivered relating to coal.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks on the subject of coal. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, under the leave to extend my remarks in the Record, I include the following:

The Republican Party's failure to take any steps to solve the vital subject of a supply of cheap coal, with fair wages to the miners, is a neglect of national interests more serious than its bartering away of the Teapot Dome reserves to Harry Sinclair.

For four years a Congress controlled by the Republican Party has deliberately neglected the public interests and defied the repeated requests of its President, Calvin Coolidge, for legislation on this matter. He has again and again demanded action, but his suggestions have been ignored. His accusations against his own party and four Congresses have been more severe than any ever made by a Democrat.

In three separate messages President Coolidge called attention to the need for legislation creating governmental agencies to intervene in industrial disputes like that now raging in the bituminous industry and that which involved the hard-coal fields a few years ago, bringing suffering and economic losses to the people and business.

The President has also urged leaders of the industry to enter voluntary agreements for a more scientific production and distribution of coal. But the leaders of the coal industry, which include such men as Secretary Mellon and his relatives interested in the Pittsburgh Coal Co., have steadily declined to follow the President, though they are now demanding his renomination.

I do not believe the President's recommendations go far enough. I believe the Nation will have to take over the coal mines in times of emergencies sooner or later, and subject the industry to regulations like those imposed upon the railroads and other national necessities. Four years ago I introduced a bill to that effect, but it has been pigeonholed in committee. The coal barons seem to have more influence in this Congress than the people or their Representatives.

Not even the President can make any headway against the coal interests' strength on Capitol Hill.

Just to keep the record straight and place the blame where it belongs, here are the President's coal recommendations which the Republican-controlled Congresses have denied. In his 1923 message, on page 11, he said:

The cost of coal has become unbearably high. It places a great burden on our domestic and industrial life. The public welfare requires a reduction in the price of fuel. With the enormous deposits in existence, failure of supply ought not to be tolerated. Those responsible for the conditions in this industry should undertake its reform and free it from the charge of profiteering.

Since 1923 the price of coal has gone up, both hard and soft. The bituminous producers are now refusing to let a Senate committee examine their production figures. Both the Congress and

the coal industry must share the blame. They are the ones "responsible for the conditions in this industry."

The President was even more severe in his 1925 message. On page 16 he declared that—

inability to control and manage this great resource for the benefit of all concerned is very close to a national economic failure.

He has never used words of condemnation for the oil scandals, which shows what he thinks of those inside the industry and inside Congress who have neglected this subject. He again demanded legislation permitting the Government to create commissions empowered to deal with an emergency. But nothing ever came of that.

In 1926 the President reported that—

no progress appears to have been made within large areas of the bituminous coal industry toward creation of voluntary machinery by which greater assurance can be given to the public of peaceful adjustments of wage difficulties such as has been accomplished in the anthracite industry.

The President again emphasized the importance of legislation. But nothing was done by his Congress.

In his 1927 message the President once more asked for action. But long defiance of his requests seems to have disgusted him, for he confined his references to coal to one paragraph, even though the soft coal strike was under way at the time and emphasizing the need of quick action by Congress.

It is no wonder the President is disgusted. Certainly the country has a right to be.

## REGULATING NAVIGATION ON THE GREAT LAKES

Mr. WHITE of Maine. Mr. Speaker, I call up the bill (H. R. 13037) to amend section 1, rule 2, subdivision (e), and rule 9 of an act to regulate navigation on the Great Lakes and their connecting and tributary waters, enacted February 8, 1895 (ch. 64, 28 Stat. L., sec. 645), on the House Calendar, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That rule 2, rule 3, subdivision (e), and rule 9 of section 1 of an act entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," enacted February 8, 1895, and being chapter 64, Twenty-eighth Statutes at Large, section 645, be, and the same are, respectively, hereby amended so as to read as follows:

"Rule 2. The lights mentioned in the following rules, and no others which may be mistaken for the prescribed lights, shall be exhibited in all weathers from sunset to sunrise. The word 'visible' in these rules, when applied to lights, shall mean visible on a dark night with a clear atmosphere.

"Rule 3, subdivision (e). A steamer of over 150 feet register length shall carry also, when under way, a bright white light so fixed as to throw the light all around the horizon, and of such character as to be visible at a distance of at least 3 miles. Such light shall be placed in line with the keel at least 15 feet higher from the deck and more than 75 feet abaft the light mentioned in subdivision (e); or in lieu thereof two such lights of the same character and height as herein described placed not over 30 inches apart horizontally, one on either side of the keel, and so arranged that one or the other or both shall be visible from any angle of approach.

"Rule 9. A vessel under 150 feet register length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light constructed so as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of at least 1 mile.

"A vessel of 150 feet or upward in register length, when at anchor, shall carry in the forward part of the vessel two white lights at the same height of not less than 20 and not exceeding 40 feet above the hull and not less than 10 feet apart horizontally and athwartships, except that each need not be visible all around the horizon but so arranged that one or the other, or both, shall show a clear, uniform, and unbroken light and be visible from any angle of approach at a distance of at least 1 mile; and at or near the stern of the vessel two similar lights, similarly arranged and at such a height that they shall not be less than 15 feet lower than the forward lights. In addition the four anchor lights above specified, at least one white deck light shall be displayed in every interval of 100 feet along the deck measuring from the forward lights, said deck lights to be not less than 2 feet above the deck and arranged, so far as intervening structures will permit, so as to be visible from any angle of approach."

Mr. WHITE of Maine. Mr. Speaker, I yield five minutes to the gentleman from Ohio [Mr. CROSSER].

Mr. CROSSER. Mr. Speaker, the purpose of this bill is to make safe navigation on the Great Lakes. The present law regulating lights was passed in 1895 when the ships sailing on the Great Lakes were much smaller than the present-day Lake

steamers. In 1895 no ships on the Great Lakes exceeded in length 350 feet. To-day most of the ships on the Great Lakes are 600 feet or more in length. The present law, which was passed in 1895, provided that one light must be carried in the forward part of the ship and one near the stern at a certain height above the deck of the vessel. When ships were only 350 feet or less in length the two lights were sufficient. When, however, most of the steamers are 600 feet long, or more, the two lights now required are not sufficient, for the reason I shall now give. When a 600-foot steamer is anchored at night in some harbor and another ship sails toward the ship which is anchored, the navigator on the approaching vessel is in danger of mistaking the dark space between the two lights to be a channel and so steer his ship into the side of the standing ship, because the forward light and stern lights are about 600 feet apart. A mistake of this kind was made recently and a serious collision resulted.

This bill amends the law so as to require every ship to display at least one white light in every interval of 100 feet along the deck. This will enable the approaching navigator to determine easily that the space between lights is not an open channel, but a ship lying at anchor.

Mr. SHREVE. Mr. Speaker, will the gentleman yield?

Mr. CROSSER. Yes.

Mr. SHREVE. I was not in the Chamber when the gentleman began his statement. Are the shipowners in favor of this bill?

Mr. CROSSER. Oh, yes; the Lake Carriers' Association is in favor of the bill. As a matter of fact, they have urged me to have the bill passed. This is undoubtedly in the interest of safe navigation. As I have already said, a very serious accident happened not long ago because of the fact that a ship lying at anchor in the harbor had but one light at each end of the ship and therefore about 600 feet apart. One can readily understand how the navigator of an approaching ship might think that the space between the lights constituted an open channel in the harbor. The bill also authorizes the exhibition of two lights on the after spar of a vessel in order to make possible with the law requiring that the rear light be visible from all points of the horizon. The law now permits a ship to carry one light only on the rear, and there is always an arc of invisibility caused by the spar and also by the smoke-stack.

Ships have become so much larger in every way, and they have so much larger houses fore and aft, and sometimes towering machinery, that the lights when placed as the law requires them are often hidden from the view of another ship. The bill provides that there shall be at least two lights, instead of one light, on the front mast so as to make it impossible to have any arc of invisibility to those looking from a ship at any point on the horizon. In other words, the bill provides that there will always be a light visible to the navigator of another ship. This provides that two lights shall be carried at the required height in the front part of the vessel and two lights at the required height about the deck at the rear. The two front lights must be at least 10 feet apart crosswise of the ship, so that there will be no possible way for an approaching navigator to make an excusable mistake. The whole purpose of the bill is to make safer navigation on the Great Lakes. The Steamboat Inspection Service has unqualifiedly indorsed the bill.

Mr. ABERNETHY. This applies only to the Great Lakes?

Mr. CROSSER. Yes.

Mr. WHITE of Maine. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. BLACK].

Mr. BLACK of New York. Mr. Speaker and gentlemen of the House, collisions at sea are such agonizing affairs that Congress should do everything it can to help prevent them. We have had a great number of very serious collisions at sea of late. Probably the most serious one which caught the attention of the American people was the collision in which the *S-4* was destroyed. It might be just as well at this time to have something to say in respect to the history of the investigation of the *S-4*. I charged on the floor of this House when the proposition was made that we should investigate into the accident that the administration wanted a whitewash, or that the collision would be blamed on the victims. That is just what has happened. Originally the court of special inquiry investigating the collision said that the Coast Guard was responsible. The Treasury Department protested against that, and with its powerful influence was able to change the decision of the naval court.

Then the naval court found fault with Admiral Brumby. The Navy Department realized that for Admiral Brumby it was responsible, and brought about a change again in the decision of the court, and Brumby was exonerated; and then, by a process of elimination, the very thing that I prophesied would

happen has happened. The victims, the men of the *S-4*, are now charged before the court with being responsible for the situation.

This Congress failed flagrantly in its duty to the American people by not insisting on a careful investigation of the situation. Everybody knew who looked into the situation at all that the Navy Department was anxious to clear itself of criticism in the situation. Everybody knew that the Secretary of the Navy was responsible, as the head of the department, for not seeing to it that proper salvage and rescue processes were available for these men; he was responsible for not seeing to it that there were rafts, pontoons, and other equipment near by where the submarine was operating. He was responsible for the court in the situation. It was known that he wanted a whitewash, and the chairman of the Committee on Rules [Mr. SNELL] found fault with me for suggesting that there was any such thing in mind.

I say that the people of this country are not satisfied with the record of this special court. I say that this Congress has been derelict to the men in the service in not thoroughly looking into the situation. I believe the President of the United States is wrong when he thinks the people have forgotten this disaster. And I believe that he owes it to the people of the United States to bring the Secretary of the Navy on the carpet and to learn from him to what extent the Secretary of the Navy was responsible for the delay in the rescuing processes and in the salvage arrangements. [Applause.]

Mr. BOYLAN. Mr. Speaker, will the gentleman yield?

Mr. BLACK of New York. Yes.

Mr. BOYLAN. May I ask the gentleman whether or not any responsibility was placed upon the rum-force chasers?

Mr. BLACK of New York. The court originally held the Coast Guard responsible, but the Treasury used its influence on the court of inquiry, and the so-called court changed its report. The idea of such a court that can come in with new facts just because the Treasury Department wanted them to do it, and then because the Navy Department wanted them to change the facts they proceed to change them. It is not that kind of an investigation that the American people are used to. They want a straightforward and fair and non-partisan investigation by an agency outside of the departmental influences, and it ought to be had. [Applause.]

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote whereby the bill was passed was laid on the table.

#### REGULATION OF NAVIGATION ON THE GREAT LAKES

Mr. WHITE of Maine. Mr. Speaker, I call up the bill (H. R. 13032) on the House Calendar.

The SPEAKER. The gentleman from Maine calls up the bill H. R. 13032, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 13032) to amend the act of February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters"

Be it enacted, etc., That rule 7 of the act of Congress approved February 8, 1895, entitled "An act to regulate navigation on the Great Lakes and their connecting and tributary waters," be amended so as to read as follows:

"RULE 7. The lights for tugs under 100 tons register (net), whose principal business is harbor towing, and for boats navigating only on the River St. Lawrence, also ferryboats, rafts, and canal boats, shall be regulated by rules which have been or may hereafter be prescribed by the Board of Supervising Inspectors of Steam Vessels."

SEC. 2. All laws, or parts of laws, inconsistent herewith are hereby repealed.

SEC. 3. This act shall take effect on and after its approval.

Mr. WHITE of Maine. Mr. Speaker, the report fully describes the bill. I have no desire to discuss it, and unless somebody desires time I move a vote on the bill.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

#### THE AIR MAIL

Mr. ACKERMAN. Mr. Speaker, I ask unanimous consent to extend in the Record my remarks relative to the establishment of night air-mail service between New York and Atlanta, the establishment of the philatelic agency, special issues authorized by the Postmaster General, and to incorporate a statement by



Second Assistant Postmaster General Glover on the same subjects.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ACKERMAN. Mr. Speaker, with the authorization by the Postmaster General of a special stamp commemorative of the one hundred and fiftieth anniversary of the encampment of Washington's army at Valley Forge, which will be issued on May 26 of this year, it seems fitting to bring to the attention of Congress the increasing interest of stamp collectors in issues of this character and to point out the valuable contribution made by these men, women, and children to the Post Office Department.

There is not a single move made by the department which fails to get its quota of scrutiny for some possible philatelic value. The most recent event next to the Valley Forge stamp, which was proposed by Representative WARSON, of Pennsylvania, was the inauguration of night air mail service between New York and Atlanta.

Thousands of pieces of mail carried on the first flight are either now cherished items in collections or in time will become so as the interesting and intricate system of "collecting" continues to operate. These covers can never be duplicated. There can never be another "first flight" of the night air mail between New York, Atlanta, and intermediate points. For this reason, envelopes and mail carried on the first flight have an especial significance and resultant value. The same is true of past first flights, and will hold good of all first flights to come in the future.

When the Lindbergh stamp was put on sale it was bought by the thousands in sheets and portions of sheets. Thousands of these stamps are now in collections in all parts of the world. They have never been used and never will be for mailing purposes. In this way the Government receives large sums in revenue for which it is not called upon to render any service, and the sums of money thus received helps the revenues materially.

What I have said about the Lindbergh stamp is true of all other special issues, although there was probably a more widely popular demand for that issue than some others.

Sensing this appeal, it was my privilege and pleasure to have suggested to Postmaster General New the issuance of a Lindbergh stamp soon after his epoch-making flight in 1927 had been made. The stamp was hurriedly gotten out and went on sale the day he arrived for his home-coming reception in St. Louis. From then on for several weeks the post offices of the country were unable to supply the demand for this commemorative stamp.

Since then it has been my pleasure to have met the "flying colonel" on several occasions, the most recent one being when I was a passenger in an airplane of which he was pilot. Having flown before the experience was new to me only in the complete mastery he had of every detail connected with the flight and the confidence his mastery inspired from start to finish.

#### PHILATELY AND HISTORY

It is but natural that stamps and stamp collecting should interest so many of our people. The history of our Nation is inseparably connected with an incident in Boston Harbor where stamps were a most important factor. You all recall the Boston tea party! It was held because the offending tax on the tea was levied by means of stamps. Congress was brought together in 1765 to remonstrate against the imposition of these new taxes.

Unfortunately, there were no stamp collectors—or philatelists, as we are called now—in those days. As a result, few of the priceless historic stamps were saved. Those saved are most highly valued and are within reach of only a few collectors.

One thing which contributes largely to the scarcity of the older stamps, not only of the United States but other countries, is the fact that until 1840 adhesive stamps did not exist.

Instead documents were stamped much as a notary's seal is impressed on papers sworn to before him.

In 1840 Great Britain, at the suggestion of Sir Rowland Hill, began the use of adhesive stamps. Brazil followed in 1843; and in 1847 the United States adopted the plan.

#### PHILATELY AND POLITICS

In a recent campaign in the district I have the honor to represent, the use was made of a powerful weapon which my knowledge of philately placed in my hands, and since the famous tea party in Boston Harbor more than a hundred and fifty years ago, it is doubtful if stamps have played such a conspicuous part in connection with American politics.

I had obtained an envelope which contained a letter written in Russia and sent to Philadelphia. The postage on the letter was paid by many sheets of Russian stamps, 100 in each sheet, which, when folded together, back to back, made a double strip

of stamps 15½ feet in length, or, counting each side, a strip 6 inches wide and 31 feet long. As the strip was folded and refolded to conform to the size of the letter, the whole made a package which bears a striking resemblance to an accordion.

In all, the postage on this letter was paid by 1,625 stamps, each of the denomination of 250 rubles, making a total face value of 406,250 rubles. Before the World War this number of rubles would have equaled \$207,137.50 in United States currency. However, at the time the letter was sent, they were only sufficient to pay the equivalent of 15 American cents worth of postage.

During the campaign I exhibited this Russian cover more than a score of times at various places in my district. No matter how large the room in which I was speaking, no one in the audience had any difficulty in seeing the "accordion" letter and visualizing the enormous depreciation in the value of the Russian ruble which it so graphically represented. I used the letter to illustrate what I believed might happen to the United States if ever the American people permitted bolshevism or unsound economic theories to obtain a foothold, my argument being that the great depreciation in the value of Russian money, as shown by the number of rubles required to carry a letter, followed the advent of a government which had assumed the absolutely erroneous idea that to start the printing presses turning out money would add to the country's wealth, despite the fact that there was no corresponding reserve in the Treasury to back up the paper money.

#### PHILATELY AND FOREIGN AFFAIRS

Stamps have also played an important part in the affairs of other nations. I recall one in Serbia which is said to have largely contributed to the events which brought on the World War.

To commemorate King Peter's coronation in Serbia in 1904, that government decided to issue a series of specially designed postage stamps of considerable artistic value and of large size, which were to bear side by side the profile of King Peter and his ancestor, Kara George.

The result was admired by all. But before the stamps had been in circulation many weeks the Government suddenly called in all that remained unsold, for when the stamp was held upside down there appeared clearly to everyone the death mask of the murdered King Alexander Obrenovitch.

The ghastly face of the dead sovereign was made to appear, by the engraver manipulating cleverly the eyebrows, eyes, and nose of the two Karageogevitch profiles.

The "death mask stamps," as they are now called, made a profound impression in the Serbian Army, and among the uneducated classes. The Government's attempt to recall all the stamps proved fruitless, as thousands have been used on letters, and a vast number are held by private individuals in Serbia.

#### ESTABLISHMENT OF PHILATELIC AGENCY

Recognizing the growing need of a clearing house or centralized agency for the accommodation of collectors where stamps of all issues, denominations, and so forth, could be kept and so be available for collectors—and, incidentally, bring in many thousands of dollars annually in additional revenue—the Post Office Department in 1921 established at the Washington City post office what is known as the philatelic agency.

An article dealing with the establishment of this agency and showing its work and value was recently published in Scott's Monthly Journal, a publication devoted to philately. The article is by Second Assistant Postmaster General Glover and is so interesting and illuminating that I asked leave and obtained permission to incorporate it as a part of my remarks. The article follows:

Well do I remember—

Says General Glover—

my first efforts to establish the philatelic agency in the Post Office Department. The straw that broke the camel's back was when an enthusiastic stamp collector addressed a letter to me saying that in his city the other day he asked for a block of four well-centered 2-cent stamps and the answer of the stamp clerk at the window was that he had no time to waste on "nuts," please step out of the line.

You can imagine the indignation of this enthusiast upon being classified with thousands of unfortunates who are temporary or permanent inmates of institutions which harbor those who have lost their minds.

This happened in the early part of 1921 while I was Third Assistant Postmaster General, and, shortly afterwards, at the weekly conference of the Postmaster General and his staff, I suggested the establishment of a philatelic bureau (the Stamp Division, of course, coming under the immediate supervision of the Third Assistant Postmaster General). After my suggestion the first assistant (who, I might say, was the genial Dr. Hubert Work, who later became Postmaster General and is now Secretary of the Interior) looked sidewise at me and said he had

been a doctor for many years (having formerly been president of the American Medical Association), but had never heard the word "philatelic" used as a medical term, and the Postmaster General (at that time the Hon. Will H. Hays) gave me a hearty laugh and said, "really believe, Glover, you are crazy."

My answer to this remark was the fact that many people had oftentimes used that title before and had become quite accustomed to it. In any event my suggestion was later turned down at this conference, and, during the month of August, 1921, I again brought up the matter that the Postmaster General allow the establishment of a philatelic agency, and at the same time made the proposition that, if the agency did not sell \$5,000 worth of stamps to collectors during the first two months of its operation I would be willing to give up my ambition to establish it; so, under this condition, we established the philatelic agency of the Post Office Department in December, 1921.

During the first few months of its operation the sales at the agency, of course, far exceeded the stipulated amount of \$5,000, and, during the past fiscal year, the sales to collectors at the agency amounted to \$176,157.95, while the total sales from its establishment up to and including April 30, 1928, amounted to \$800,918.55.

At the present time there are seven employees in the philatelic agency, consisting of the agent and six clerks, and they are busily engaged from the opening of the window in the morning until the close of business each day. Its success has proven beyond a doubt that there was a place in the philatelic world for the establishment of the same in the Post Office Department, and now, instead of the jokes and jibes and the promiscuous use of the word "philatelic" toward the then Third Assistant, the tide has been turned to one of comment and appreciation over the wonderful strides this agency has made in the short period of its existence.

There were some offices among our 52,000 post offices where a stamp collector could receive some consideration, but they were few and far between, and oftentimes the method was unsatisfactory to the purchaser, because no consideration was given for the examination and selection of the very best stock for the album. This condition, of course, has now been done away with, as the clerks at the agency are trained stamp clerks, and have very quickly learned what the philatelist is anxious to obtain for his collection.

The agency desires at all times to give equal opportunity to all of its patrons, and does not permit the granting of special favors, as the large collector, who may be a Congressman, receives but the same consideration that is accorded the young beginner with a small collection of several hundred stamps.

The Post Office Department does not claim that the agency is error proof, but we do try to do the very best we can, and think the thousands of letters of commendation that have been received from collectors are fitting testimonials to the fact that the department is filling a long-felt want and an important place in philately in America to-day.

#### PHILATELY AND THE AIR MAIL

At this point it is both fitting and proper for me to digress for the time being from the subject of philately in order that I might acquaint the many readers of Scott's Monthly Journal with a brief history of the department's air mail service and its cooperation with philately.

On May 15, 1918, the Congress having made appropriation, an air mail route was established to operate between New York and Washington, via Philadelphia, on a daily except Sunday schedule. Its establishment was undoubtedly aided by the prominence given to the airplane through its accomplishments in the World War as an offensive and defensive arm of the service. Convinced that the airplane could be made a useful means of transportation, the department determined to make the experiment and was successful in the consummation of an arrangement with the War Department whereby the Army would furnish the planes and pilots and the Post Office Department the ground personnel.

Coincidental with the inauguration of air mail service by the Post Office Department an airplane stamp of the 24-cent denomination was issued in red and blue colors on May 13, 1918. This stamp was intended primarily for air mail postage, but was valid for all purposes for which postage stamps of the regular issue are used. The stamp was rectangular in shape, about seven-eighths inch by three-fourths inch and in the central design consisted of a mail plane in flight. On July 11, 1918, the department issued a new airplane postage stamp of the 16-cent denomination, as the rate was changed to 16 cents, effective on July 15, 1918. This stamp was similar in design to the 24-cent stamp, and, effective December 15, 1918, when the rate of postage for airplane mail was again changed to 6 cents, a new airplane stamp of the 6-cent denomination was issued which was also similar in design to that of the 16-cent and 24-cent airplane stamps. This stamp was first issued on December 10, 1918.

On May 15, 1919, just one year after the establishment of the Washington-New York line and the opening day of the Chicago-Cleveland route, the two planes that were flown on the Washington-New York route were the same that carried the mail on the initial trip a year before and had been constantly in service.

The year's record for the Washington-New York route showed 92 per cent of performance representing 128,037 miles of service and 7,720,840

letters carried. On July 1, 1919, the New York-Cleveland route was inaugurated and soon the department saw the necessity for new routes and the need of spanning the continent with an air mail service.

In working toward this end, provisions had to be made for terminal fields and hangars between Chicago and San Francisco, and the generous response from municipalities along the proposed extension was one of the factors which aided in clearing the way for its accomplishment and, after careful preparation, service was inaugurated on May 15, 1920, between Chicago and Omaha, and on September 8 of the same year, between Omaha and San Francisco.

As first operated, the schedule on the air mail service across the continent did not provide an uninterrupted transportation of the mail but flew the mail during daylight to some point where it was trained through the night and taken off the following morning to be flown during the following day.

After it had been demonstrated that dependable service could be provided, the rapid transportation by through flights engaged attention, and, on February 22, 1921, a plane left San Francisco at 4.30 a. m. and landed at the New York terminus at 4.50 p. m. February 23. The total elapsed time for the trip, including all stops, was 33 hours and 21 minutes, but an actual flying time of 25 hours and 16 minutes, with an average speed of 104 miles over the distance of 2,629 miles.

#### NIGHT FLYING STARTED

This experimental flight stimulated the progress toward night flying and as an aid in securing weather reports on localities in our own service and prompt transmittal of instructions in emergencies radio stations were provided at 17 fields on the route. Later the fields between Chicago and Cheyenne were developed for night flying and plans were studied for the establishment of beacon lights for the guidance of pilots.

During the fiscal years 1923 and 1924 these preparations were completed and a through transcontinental service between New York and San Francisco was the result, which was accomplished in time to begin the through service on July 1, 1924.

Shortly before this time, or during August, 1923, the department issued a new series of air mail stamps in 8, 16, and 24 cent denominations for use in the new transcontinental air mail service. Three zones were established in connection with this service, the first from New York to Chicago, the second from Chicago to Cheyenne, and the third from Cheyenne to San Francisco, and the rate of postage was 8 cents an ounce, or fraction thereof, for each zone or part of zone in which mail was carried by plane. The 8-cent stamp was green, the 16-cent stamp blue, and the 24-cent stamp red in color; and the subjects on the stamps, in their respective order, consisted of a mail-airplane radiator with a propeller attached, official insignia of the air mail service and a mail airplane in flight.

The through transcontinental service had not been in operation long before its advantage to commercial firms was learned and patrons at New York and Chicago realized the value of an overnight service between their offices, and, as this part of the route was not lighted, preparation for night flying was begun and completed in time to start the overnight service between New York and Chicago on July 1, 1925.

During the entire period of operation of the Government-operated air mail routes the planes had been flown 15,853,242 miles, including trips from mail, ferry, and test flights, or 93 per cent of the distance scheduled to fly, and 301,855,840 letters were carried with only 0.00028 of the amount lost through fire or other agency. There were 32 pilots lost, or an average of 495,414 miles for each fatality, and, during the fiscal year of 1927, there was only one fatality in flights of 2,583,006 miles. This was a remarkable record and indicates a degree of safety in flight in all kinds of weather which would have been unbelievable just a few years ago.

#### AIR MAIL CONTRACTS

The accomplishment of the Post Office Department in the successful development of the air mail service to the point where private enterprise and agencies were able to take it over and operate it under Government contracts was a signal achievement. This had been done with the expenditure of a little over \$16,000,000 from the beginning to the end of the Government's operation.

Acting upon legislation passed by Congress authorizing the Post Office Department to contract for the transportation of mail by aircraft, nine contract air mail routes were placed in operation during the fiscal year ended June 30, 1926, and, inasmuch as the act of Congress approved February 2, 1925, changed the rate of postage on air mail to not less than 10 cents for each ounce or fraction thereof, it became necessary to issue a new 10-cent air mail stamp for the use of the air mail service. This stamp was a horizontal rectangle, seventy-five one-hundredths by one and eighty-four one-hundredths inches in size, and was printed in blue ink. The central design represented a relief map of the United States, showing some of the rivers and mountain ranges. On each side was an airplane in flight, one traveling east and the other toward the west. This stamp was first placed on sale on February 13, 1926.

At this time the postage for the contract air mail service was 10 cents an ounce or fraction thereof, where the distance over the route was not



more than 1,000 miles; 15 cents an ounce up to and including 1,500 miles; and 20 cents an ounce where the distance was in excess of 1,500 miles, with an additional charge of 5 cents an ounce each zone the mail traveled over the Government-operated transcontinental route. In conforming with the law a new air mail stamp of 15-cent denomination was issued on September 18, 1926. This stamp was the same shape, size, and design as the current 10-cent air mail stamp issued in February and was printed in sepia.

Owing to the new rate of postage on air mail, effective on February 1, 1927, the department issued a new 20-cent air mail stamp, which was first placed on sale on January 25, 1927, at New York City and Washington, D. C. This stamp was the same shape, size, and design as the current 10 and 15 cent air mail stamps, except that the numerals "20" appeared in both lower corners of the stamp and it was printed in green.

The Post Office Department ceased to operate the Chicago-San Francisco portion of the transcontinental air mail route on June 30, 1927, and the Boeing Air Transport Co., of Seattle, Wash., began service under their contract over this portion of the route on July 1 of last year. That portion of the transcontinental air mail route from New York City to Chicago was readvertised and the bid of the National Air Transport of Chicago was accepted and service began under contract over that portion of the route on September 1, 1927. Thus the discontinuance of Government operation marked the close of a very satisfactory service which had its inception on May 15, 1918.

#### SPECIAL TRIBUTE TO COLONEL LINDBERGH

As a special tribute to Col. Charles A. Lindbergh, the intrepid air-mail pilot who made the first nonstop flight from New York to Paris, the Post Office Department issued a new 10-cent air mail stamp which displaced the current 10-cent air mail stamp issue of 1926. The new stamp was the same shape and size as the current air mail stamps and was printed in blue. The central design represents Lindbergh's airplane, *The Spirit of St. Louis*, in flight. Across the top of the stamp, in white Roman letters, are the words, "United States postage," with the words "Lindbergh air mail" directly underneath. At the left of the central design appears the coast line of the North American Continent, with the words "New York" in small dark letters and to the right appears the coast line of Europe, showing Ireland, Great Britain, and France, with the word "Paris," also in small dark letters. A dotted line depicting the course of the flight to France connects the two cities. At the bottom of the stamp in shaded letters is the word "cents," and in both lower corners are the white numerals "10." It was first placed on sale on June 18, 1927, at the post offices at St. Louis, Mo.; Detroit, Mich.; Little Falls, Minn.; and Washington, D. C.

#### CONTRACT AIR MAIL ROUTES NOW OPERATING

It may be interesting to note that on May 5, 1928, the following commercial air mail routes were in operation under contract in the United States:

- C. A. M. 1. Boston, via Hartford, to New York.
- C. A. M. 2. Chicago, via Springfield and Peoria, to St. Louis.
- C. A. M. 3. Chicago, via Moline, St. Joseph, Kansas City, Wichita, Ponca City, Oklahoma City, to Fort Worth and Dallas.
- C. A. M. 4. Salt Lake City, via Las Vegas, to Los Angeles.
- C. A. M. 5. Salt Lake City, via Boise, to Pasco.
- C. A. M. 6. Detroit to Cleveland.
- C. A. M. 7. Detroit to Chicago.
- C. A. M. 8. Seattle, via Portland, Medford, San Francisco, Fresno, and Bakersfield, to Los Angeles.
- C. A. M. 9. Chicago, via Milwaukee and La Crosse, to St. Paul and Minneapolis.
- C. A. M. 11. Cleveland, via Youngstown and McKeesport, to Pittsburgh.
- C. A. M. 12. Cheyenne, via Denver and Colorado Springs, to Pueblo.
- C. A. M. 17. New York to Chicago (transcontinental and overnight service).
- C. A. M. 18. Chicago, via Iowa City, Des Moines, Omaha, North Platte, Cheyenne, Rock Springs, Salt Lake City, Elko, Reno, and Sacramento, to San Francisco.
- C. A. M. 19. New York, N. Y., via Philadelphia, Pa.; Washington, D. C.; Richmond, Va.; Greensboro, N. C., and Spartanburg, S. C., to Atlanta, Ga. (Service inaugurated on May 1, 1928.)
- C. A. M. 20. Buffalo to Cleveland.
- C. A. M. 21. Dallas, via Fort Worth and Houston, to Galveston.
- C. A. M. 22. Dallas, via Fort Worth, Waco, and Austin, to San Antonio.
- C. A. M. 23. Atlanta, via Birmingham and Mobile, to New Orleans, La.
- C. A. M. 24. Chicago, via Indianapolis to Cincinnati.
- F. M. 2. Seattle, Wash., to Victoria, British Columbia.
- F. M. 3. New Orleans, La., to Pilotstown, La.
- F. M. 4. Key West, Fla., to Habana, Cuba.

When air mail service is inaugurated on a new contract route the department furnishes a special cancellation stamp depicting the event for the use of each office on the route, and the hundreds of thousands of first-day covers now in the possession of collectors all over the United States offer indisputable evidence of the fact that these first-day flights

and special cancellations are of the utmost value and importance to the philatelic world.

The department has awarded contracts for air mail service on the following routes over which service has not yet been inaugurated:

- C. A. M. 16. Cleveland, via Akron, Columbus, Dayton, and Cincinnati, to Louisville, Ky.
- C. A. M. 25. Atlanta, via Jacksonville, to Miami, Fla.
- C. A. M. 26. Great Falls, Mont., via Helena and Butte and Pocatello, Idaho, to Salt Lake City, Utah.
- C. A. M. 27. Bay City, via Saginaw, Flint, and Lansing, to Kalamazoo, Mich.; Pontiac, via Detroit, Ann Arbor, Jackson, and Battle Creek, to Kalamazoo, Mich.; Muskegon, via Grand Rapids, to Kalamazoo, Mich.; and from Kalamazoo, Mich., via South Bend, Ind., to Chicago, Ill. (Contract awarded May 5, 1928.)
- C. A. M. 28. St. Louis, Mo., via Kansas City, Mo., to Omaha, Nebr. (Contract awarded May 5, 1928.)

In the foregoing article by the Second Assistant Postmaster General it is apparent that the Post Office Department officially recognizes the science of stamp collecting. This recognition and the arrangements made for the accommodation of collectors has netted the Post Office Department many thousands of dollars it might otherwise not have received.

#### SESQUICENTENNIAL ANNIVERSARIES

The years 1926, 1927, 1928, and 1929 will be most fruitful to collectors, owing to the sesquicentennial anniversaries of so many important historic events in the life, progress, and development of the Nation, many of them marked with appropriate commemorative stamps. A number of other anniversaries are approaching and may be fittingly celebrated.

It is estimated that there are 1,000,000 collectors at the present time in the United States and between 2,500,000 and 3,000,000 collectors in the entire world. Practically every one of these is interested in issues made by the United States of America. Therefore, they will watch with interest for the issuance of the stamps mentioned in the bills as introduced by the various Members of the Congress, among which are Senate Joint Resolution 71 by Senator WAGNER and House Joint Resolution 133 by Representative HARCOURT J. PRATT, of the twenty-seventh district of New York. These resolutions are identical and provide for the issuance of a special postage stamp to commemorate the one hundred and fiftieth anniversary of the founding of the government of the State of New York, the great Empire State of the Union.

Representative DAVID HOGG, of the twelfth district of Indiana, introduced House Joint Resolution 158, providing for the issuance of a special series of postage stamps commemorating the George Rogers Clark expedition which won the Northwest 150 years ago. A million dollars has been authorized by Congress for a memorial to be constructed on the site of Fort Sackville, at Vincennes, Ind., which figured so prominently in Clark's enterprise.

Representative LOUIS T. McFADDEN, of the fifteenth Pennsylvania district, is the author of House Joint Resolution 179. It provides for the issuance of a postage stamp in commemoration of the one hundred and fiftieth anniversary of the first run of a steam locomotive in America. History relates that the run was made on August 9, 1829, at Honesdale, Wayne County, Pa.

Hon. VICTOR K. HOUSTON, Delegate in Congress from the Territory of Hawaii, has introduced House Joint Resolution 248, providing for the issuance of a special stamp to commemorate the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook.

Representative HAROLD G. HOFFMAN, my colleague from the third district of New Jersey, has presented House Joint Resolution 210. It provides for the issuance of a series of stamps to commemorate the Battle of Monmouth. This was the Revolutionary War engagement in which Mollie Pitcher won undying fame. Her heroism on that occasion brought to public notice the patriotic sacrifices and service being rendered by mothers, wives, and daughters in the cause of freedom and intensified the bravery of many of their little-noted but nevertheless brave and devoted deeds.

Senate Joint Resolution 101 and House Joint Resolution 205 are also identical resolutions. They are sponsored by Senator WALTER E. EDGE and myself, respectively. Unlike the foregoing, they are intended to perpetuate a very recent epochal event—the good-will flight of Colonel Lindbergh to the Republics to the south of us.

The resolution reads as follows:

Resolution authorizing the Postmaster General to issue a set of stamps relative to the good-will flight of Colonel Lindbergh

Whereas the Nation and the world have followed with close interest and admiration the good-will flight of Colonel Lindbergh to our South American and Central American sister Republics; and

Whereas the national understanding thus produced between the Government of the United States and the governments of the countries visited may be extended and made more complete and enduring: Therefore be it

*Resolved, etc.,* That the Postmaster General be, and he is hereby, authorized to issue a set of 13 stamps, being the number of countries Colonel Lindbergh visited, as well as the number of the original States in the United States, the stamps to be issued in denominations from one-half cent to \$1, from dies to be specially made, in appropriate designs suitable for perpetuating the benefits and recording in a permanent way this epochal flight and series of good-will visits.

I feel sure that if these commemorative issues just referred to were issued there would not only be the happiest of feelings created because of the recognition of profoundly important historic events, but in the case of the Lindbergh set the ties of friendship that would be fostered would be of increasing value and would enhance the cordiality created by the colonel's triumphant journey of "good will" which was so eminently successful and which was performed as an ambassador of good will without portfolio during the past winter. The sale of the stamps also would help to reduce the deficit now existing in the Post Office Department, and which will be of increasing size as time goes on because of the reduction of rates contemplated in bills that have recently been considered by the Congress.

#### CONSENT CALENDAR

The SPEAKER. Is it desired now that the House shall proceed to the consideration of the Consent Calendar? If so, the Clerk will report the first bill of those remaining on the Consent Calendar.

#### BRIDGE ACROSS THE MISSISSIPPI RIVER NEAR CARONDELET, MO.

The first business on the Consent Calendar was the bill (S. 3598) authorizing Dupo Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Carondelet, Mo. The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Reserving the right to object, Mr. Speaker, can the gentleman give me the usual information on this bridge?

Mr. IRWIN. The terms of this franchise are the same as all other franchises.

Mr. LAGUARDIA. We are making certain inquiries, you know, as to grantees. Is the gentleman familiar with the Dupo Bridge Co.?

Mr. IRWIN. Yes. It is a corporation formed in good faith locally by people of St. Louis. It is to build this bridge across the Mississippi River, reaching over to my district on the Illinois side. It is a good proposition. I have made an investigation of it.

Mr. LAGUARDIA. It is not like some that we have been guarding against in these bills?

Mr. IRWIN. No. The franchise is asked in good faith. The bridge is very necessary, and I am very much interested in it, because the people of my district wish to use the bridge across that stream.

Mr. LAGUARDIA. Mr. Speaker, I have no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, Dupo Bridge Co., its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Carondelet, Mo., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon Dupo Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said Dupo Bridge Co., its successors and assigns, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Missouri or the State of Illinois, or any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.

SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The Dupo Bridge Co., its successors and assigns, shall within 90 days after the completion of such bridge, file with the Secretary of War and with the highway department of the States of Missouri and Illinois, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said Dupo Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to Dupo Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

With a committee amendment, as follows:

Strike out all after the enacting clause and insert the following:

"That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the Dupo Bridge Co., a Missouri corporation, its successors and assigns, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River at a point suitable to the interests of navigation, at or near Carondelet, Mo., in accordance with the provisions of the act entitled 'An act to regulate the construction of bridges over navigable waters,' approved March 23, 1906, and subject to the conditions and limitations contained in this act.

"SEC. 2. The Dupo Bridge Co., its successors and assigns, is authorized to construct, maintain, and operate such bridge and the necessary



approaches thereto as a railroad bridge for the passage of railway trains or street cars, or both, or as a highway bridge for the passage of pedestrians, animals, and vehicles, adapted to travel on public highways, or as a combined railroad and highway bridge for all such purposes; and there is hereby conferred upon the said Dupu Bridge Co., its successors and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

"SEC. 3. After the completion of such bridge, as determined by the Secretary of War, if the same is constructed as a highway bridge only, either the State of Missouri or the State of Illinois, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value, (2) the actual cost of acquiring such interests in real property, (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

"SEC. 4. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, under the provisions of section 3 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

"SEC. 5. If such bridge is constructed as a combined railroad bridge for the passage of railway trains or street cars, and a highway bridge for the passage of pedestrians, animals, and vehicles, then the right of purchase and condemnation conferred by this act shall apply to a right of way thereover for the passage without cost of persons, animals, and vehicles adapted to travel on public highways; and if the right of purchase or condemnation shall be exercised as to such right of way over the bridge, then the measure of damages or compensation to be allowed or paid for such right of way shall be a sum equal to the difference between the actual fair cash value of such bridge determined in accordance with the provisions of section 3 of this act, and what its actual fair cash value so determined would have been if such bridge had been constructed as a railroad bridge only. If the right of purchase or condemnation conferred by this act shall be exercised as to the right of way over such bridge, then that part of the bridge which shall be purchased or condemned and shall be thereafter actually used for the passage of pedestrians, animals, or vehicles shall be maintained, operated, and kept in repair by the purchaser thereof.

"SEC. 6. The Dupu Bridge Co., its successors and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the highway departments of the States of Missouri and Illinois a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and

shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said Dupu Bridge Co., its successors and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 3 of this act, subject only to review in a court of equity for fraud or gross mistake.

"SEC. 7. The Dupu Bridge Co., its successors and assigns, is hereby authorized and empowered to fix and charge just and reasonable tolls for the passage of such bridge of pedestrians, animals, and vehicles adapted to travel on public highways, and the rates so fixed shall be the legal rates until the Secretary of War shall prescribe other rates of toll as provided in the act of March 23, 1906; and if said bridge is constructed as a railroad bridge, or a joint railroad and highway bridge, as provided in this act, the said Dupu Bridge Co., its successors and assigns, is hereby authorized to fix by contract with any person or corporation desiring the use of the same for the passage of railway trains, or street cars, or for placing water or gas pipe lines or telephone or telegraph or electric light or power lines, or for any other such purposes, the terms, conditions, and rates of toll for such use; but in the absence of such contract, the terms, conditions, and rates of toll for such use shall be determined by the Secretary of War as provided in said act of March 23, 1906.

"SEC. 8. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the Dupu Bridge Co., its successors and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

"SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved."

Amend the title so as to read: "A bill authorizing Dupu Bridge Co., a Missouri corporation, its successors and assigns, to construct, maintain, and operate a combined highway and railroad bridge across the Mississippi River at or near Carondelet, Mo."

THE SPEAKER. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

THE SPEAKER. The question is on the engrossment and third reading of the bill as amended.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

#### CAMP SHERMAN, OHIO

The next business on the Consent Calendar was the bill (H. R. 10649) providing for the transfer of a portion of the military reservation known as Camp Sherman, Ohio, to the Department of Justice.

The Clerk read the title of the bill.

THE SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized and directed to transfer to the jurisdiction of the Department of Justice, for use as a site for the industrial reformatory established under authority of the act of January 7, 1925, chapter 32, entitled "An act for the establishment of a United States Industrial Reformatory," all that portion of the United States military reservation known as Camp Sherman, Ohio, lying west of the Scioto River and south of a line beginning at a point in the center line of Portsmouth Street at the Scioto River and running thence southwesterly along the center line of Portsmouth Street to the center line of Columbus Avenue; thence southeasterly along the center line of Columbus Avenue to the center line of Moundville Street; thence southwesterly along the center line of Moundville Street to the center line of Egypt Pike; thence northwesterly along the center line of Egypt Pike to its intersection with the center line of Sandusky Boulevard; thence due west to the boundary line of the Government reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BYRCE CANYON NATIONAL PARK

The next business on the Consent Calendar was the bill (H. R. 12487) to correct the descriptions of land comprising the Bryce Canyon National Park as contained in the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," and the act approved

February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes." The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. COLTON. Mr. Speaker, I ask unanimous consent to substitute Senate bill 3824 and consider the same in lieu of the House bill, the Senate bill being identical with the House bill.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.,* That the tract of land described in section 1 of the act approved June 7, 1924, entitled "An act to establish the Utah National Park in the State of Utah," be, and the same is hereby, amended to read as follows:

"Unsurveyed sections 31 and 32, township 36 south, range 3 west; surveyed section 36, township 36 south, range 4 west; north half, southwest quarter and west half of the southeast quarter of partially surveyed section 5; unsurveyed sections 6 and 7, west half, west half of the northeast quarter, and west half of the southeast quarter of partially surveyed section 8, partially surveyed section 17, and unsurveyed section 18, township 37 south, range 3 west; and unsurveyed sections 1, 12, and 13, township 37 south, range 4, all west of the Salt Lake meridian in the State of Utah."

SEC. 2. That the tract of land described in section 2 of the act approved February 25, 1928, entitled "An act to change the name of the Utah National Park, the establishment of which is provided for by the act of Congress approved June 7, 1924 (43 Stat. 593), to the 'Bryce Canyon National Park,' and for other purposes," be, and the same is hereby, amended to read as follows:

"The east half east half section 25, township 36 south, range 4 west; the east half and southwest quarter section 20, and all of sections 21, 29, and 30, township 36 south, range 3 west; all of sections 24 and 25, township 37 south, range 4 west; and all of sections 19 and 30, township 37 south, range 3 west, Salt Lake meridian."

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

#### CITY OF LEOMINSTER, MASS.

The next business on the Consent Calendar was the bill (H. R. 12354) to grant to the city of Leominster, Mass., an easement over certain Government property.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to grant to the city of Leominster, Mass., for the purpose of widening the street in front of the Federal building in such city, an easement over the tract of land situated at the northerly corner of Merriam Avenue and Main Street, bounded and described as follows: Beginning at the intersection of the northwesterly line of Main Street and the northeasterly line of Merriam Avenue; thence by the northwesterly line of said Main Street north 44° east 192.07 feet to granite monument at the land now or formerly of the heirs of Andrew Whitney; thence by land of said heirs of Andrew Whitney, making an included angle of 90° and bearing north 46° west 4.25 feet to land of grantee; thence by land of said grantee, making an included angle of 90° and bearing south 44° west 162.48 feet; thence tangent to the last-described line on a curve to the right with a radius of 33.07 feet a distance of 48.73 feet to a point in the northeasterly line of said Merriam Avenue; the tangent distance of this last-described curve is 30 feet and the central angle of the curve is 84° 26'; thence by said northeasterly line of Merriam Avenue, tangent to the last-described curve and bearing south 51° 34' east 34.27 feet to the point of beginning. This last-described line makes an included angle with the first-described line of 95° 34'. Such easement shall continue so long as the land shall be used exclusively for street purposes.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### TERRITORY OF HAWAII

The next business on the Consent Calendar was the bill (S. 757) to extend the benefits of certain acts of Congress to the Territory of Hawaii.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, perhaps the gentleman from Hawaii can explain the matter to me. I am inclined to ask that this bill go over. It is a rather important bill; it carries a lot of appropriations into 1941, and I do not think we should consider it now.

Mr. HOUSTON of Hawaii. If the gentleman will permit, I may be able to explain the matter. The bill in question is one which provides for eventual participation by the Territory of Hawaii in appropriations which are now being made to all the States. At the present time the Territory of Hawaii is in receipt of the usual \$50,000 per year for the Federal colleges under the original grant, but it is not receiving the \$80,000 a year which the other States are now receiving and which is increased to \$90,000 in 1929. In accordance with this bill the Territory of Hawaii will receive only \$15,000 for the year 1930, which is increased by gradual increments so that in the year 1941 it will be receiving the same as the States are now receiving. The bill carries the approval of the Secretary of Agriculture and of the Director of the Budget.

Mr. CRAMTON. If the gentleman will yield, the acts authorizing these appropriations in some cases would seem to include the Territory of Hawaii, but the Attorney General has held that the appropriations were not authorized for Hawaii, and so they have been without them. This bill, instead of overturning the thing abruptly and putting them in at 100 per cent, starts them in at a lower figure and it would be 1941 before they will be receiving full participation.

Mr. LAGUARDIA. Then, all this bill does is to correct existing law and to carry out what the gentleman from Michigan believes was the intent of Congress.

Mr. CRAMTON. I made some study of it even before the Delegate from Hawaii came to Washington, and it seemed to me it had been the intention of Congress that Hawaii should share, and it seems logical that they should share in it.

Mr. LAGUARDIA. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That beginning with the fiscal year ending June 30, 1929, the Territory of Hawaii shall be entitled to share in the benefits of the act entitled "An act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an act approved July 2, 1862, and of the acts supplementary thereto," approved March 2, 1887, as amended and supplemented, and of the act entitled "An act to provide for cooperative agricultural-extension work between the agricultural colleges in the several States receiving the benefits of an act of Congress approved July 2, 1862, and of acts supplementary thereto, and the United States Department of Agriculture," approved May 8, 1914, and of acts supplementary thereto: *Provided*, That the experiment station so established shall be conducted jointly and in collaboration with the existing Federal experiment station in Hawaii in enlarging and expanding the work of the said Federal station on cooperative plans approved by the Secretary of agriculture; and the Secretary of Agriculture shall coordinate the work of the Territorial station with that of the Federal station and of the United States Department of Agriculture in the islands: *Provided further*, That the Territory of Hawaii shall make provision for such additional buildings and permanent equipment as may be necessary for the development of the work.

SEC. 2. To carry into effect the above provisions for extending to Hawaii the benefits of the act of March 2, 1887, and supplementary acts in the order and amounts designated by these acts, the following sums are hereby authorized to be appropriated in addition to the amounts appropriated to the Department of Agriculture for use in Hawaii: \$15,000 for the fiscal year ending June 30, 1929; \$20,000 for the fiscal year ending June 30, 1930; \$22,000 for the fiscal year ending June 30, 1931; \$24,000 for the fiscal year ending June 30, 1932; \$26,000 for the fiscal year ending June 30, 1933; \$28,000 for the fiscal year ending June 30, 1934; \$30,000 for the fiscal year ending June 30, 1935; \$50,000 for the fiscal year ending June 30, 1936; \$60,000 for the fiscal year ending June 30, 1937; \$70,000 for the fiscal year ending June 30, 1938; \$80,000 for the fiscal year ending June 30, 1939; and \$90,000 for the fiscal year ending June 30, 1940, and thereafter a sum equal to that provided for each State and Territory for agricultural experiment stations established under the act of March 2, 1887.

SEC. 3. The permanent annual appropriations provided for in section 3 of said act of May 8, 1914, and of acts supplementary thereto are hereby authorized to be increased by an amount necessary to carry out the provisions of this act but without diminishing or increasing the amount which any State is entitled to under the provisions of said act of May 8, 1914, and of acts supplementary thereto.



Mr. CRAMTON (during the reading of the bill). Mr. Speaker, I do not want to cut off anyone who may be interested. I withdraw the request I was about to make.

Mr. BANKHEAD. I renew it, Mr. Speaker. I ask unanimous consent that the further reading of the bill be dispensed with.

Mr. LAGUARDIA. It is a very interesting bill.

Mr. BANKHEAD. Yes; but the gentleman must have some ulterior motive in making that statement.

Mr. LAGUARDIA. If the gentleman wants to know, the gentleman from New York does not want to work all night again. We had unanimous-consent day yesterday and I think you should give us a chance to catch up with our work. I know the gentleman wants to be reasonable about it.

Mr. BANKHEAD. I want to be entirely reasonable, but the gentleman's leader asked unanimous consent that we go on with the calendar this afternoon.

Mr. LAGUARDIA. We have one hour until 5 o'clock and we can pass a good many bills in that time, but we can not keep up with this calendar if we are going to pass the bills like "rolling the bones."

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

Mr. LAGUARDIA. I object, Mr. Speaker. Let us read the bill.

The Clerk concluded the reading of the bill.

With the following committee amendments:

On page 2, line 23, strike out the figures "1929" and insert "1930."

On page 2, line 24, strike out the figures "1930" and insert "1931."

On page 2, line 25, strike out the figures "1931" and insert "1932."

On page 3, line 1, strike out the figures "1932" and insert "1933."

On page 3, line 2, strike out the figures "1933" and insert "1934."

On page 3, line 3, strike out the figures "1934" and insert "1935."

On page 3, line 4, strike out the figures "1935" and insert "1936."

On page 3, line 5, strike out the figures "1936" and insert "1937."

On page 3, line 5, strike out the figures "1937" and insert "1938."

On page 3, line 6, strike out the figures "1938" and insert "1939."

On page 3, line 7, strike out the figures "1939" and insert "1940."

On page 3, line 8, strike out the figures "1940" and insert "1941."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### SILVER BELL OF THE BATTLESHIP "NEW ORLEANS"

The next business on the Consent Calendar was the bill (H. R. 5826) authorizing the Secretary of the Navy, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., the silver bell in use on the battleship *New Orleans*.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Navy is authorized, in his discretion, to deliver to the custody of the Louisiana State Museum, of the city of New Orleans, La., for preservation and exhibition the silver bell which was in use on the battleship *New Orleans*: *Provided*, That no expenses shall be incurred by the United States for the delivery of such silver bell.

With the following committee amendment:

Page 1, line 6, strike out the word "battleship" and insert the word "cruiser."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

#### AMENDMENT OF THE NATIONAL DEFENSE ACT—BANDMASTERS

The next business on the Consent Calendar was the bill (H. R. 9373) to amend the act entitled "An act for making further and more effectual provision for the national defense, and for other purposes," approved June 3, 1916, as amended, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LAGUARDIA. Mr. Speaker, I have one or two minor amendments, which I would like to offer. Page 2, line 21, after the word "commissioned," insert the word "warrant," and on page 3, line 1, after the word "physically," insert the words "and professionally."

Mr. REECE. Those amendments will be quite acceptable.

Mr. LAGUARDIA. With that understanding, I shall not object.

Mr. BANKHEAD. Reserving the right to object, I call the attention of the gentleman from Michigan [Mr. CRAMTON] to this bill, inasmuch as the gentleman is usually rather solicitous about matters involving additional appropriations.

Mr. CRAMTON. I will say to the gentleman from Alabama, frankly, that that fact, strange as it may seem, has not depressed me. I think there is ample justification for the increased appropriations. I am somewhat disturbed about the idea of giving commissions to bandmasters. I do not believe it is going to work out in a military organization.

Mr. BANKHEAD. I want also to call the attention of the gentleman from New York, who is rather zealous in these matters, to the fact that this bill is directly in the teeth of the opinion of the Secretary of War with reference to the matter suggested by the gentleman from Michigan [Mr. CRAMTON].

Mr. LAGUARDIA. Will the gentleman yield?

Mr. BANKHEAD. Yes.

Mr. LAGUARDIA. Perhaps I should explain that my attitude on this bill is based purely on sentimental reasons. My father was a bandmaster in the Army 40 years ago, and even in those days they were seeking to obtain the passage of a bill of this kind; and that was at least 40 years ago.

I want to say, gentlemen, that in most of the armies the bandmasters are commissioned officers. It is nothing new. It has been under consideration and under study for the last 40 years. I have personal knowledge of it, and I am sure it is not going to disrupt the Treasury. Unfortunately, no one of my family now derives any benefit from it, but for sentimental reasons I would like to do all that I can for the passage of the bill.

Mr. CHINDBLOM. Will the gentleman from Alabama yield?

Mr. BANKHEAD. I yield.

Mr. CHINDBLOM. "Music hath charms to soothe the savage breast." I think it is important to have competent men in charge of the music in the various arms of the military and naval service by reason of the fact—

Mr. BANKHEAD. Does the gentleman think the quotation, which is a delightful one, meets the practicable objection urged by the Secretary of War, when he says?—

In the case where band leaders are concerned. Here there is no field of activity extending beyond that of leading the band. It is a circumscribed and definite duty such as that of a warrant officer who is master of an Army mine planter. To place one who performs this definite and specific character in the category of commissioned personnel is to put him in an illogical and unfortunate position unless it is intended to promote him along with other commissioned personnel. If this were done, we might expect to have a colonel leading a regimental band who was senior to the colonel commanding the regiment of which the band is but one of the integral parts.

Mr. CHINDBLOM. Let me say that it requires ability and training of a different order and to some degree of higher order to fill the position of bandmaster than that of some officers.

Mr. LAGUARDIA. Not only that, but one of the functions is to train men and make musicians of them, arrange the music, and all that, besides leading the band.

Mr. REECE. Let me state that the objection which seems to be in the gentleman's mind—

Mr. BANKHEAD. Not in my mind, but the mind of the Secretary of War.

Mr. REECE. The objections of the Secretary of War have been met. This bill does not give the men it creates a new rank. He is not a commissioned officer. So the objection which the gentleman has read in the letter does not obtain as far as the bill before the House is concerned. We purposely rewrote the bill to meet the objections.

Mr. TILSON. What about section 2, which says?—

Sec. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers in the various grades, are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of warrant officers receiving commissions in pursuance of the provisions of this act.

Mr. REECE. They are bandmasters with the rank and allowance of commissioned officers in a certain grade, but as specified in the second section there shall be created a new rank of bandmaster in lieu of the present warrant officer as band leader. By the enactment of this legislation they will become known as bandmasters of the United States Army.

Mr. TILSON. They will not be subtracted from the sum total of officers allowed under the law?

Mr. REECE. No.

Mr. BANKHEAD. I will ask the gentleman if this is a unanimous report of the committee?

Mr. MORIN. I do not recall any objection to it.

Mr. REECE. It was unanimous.

Mr. BANKHEAD. I do not care to press the objection. I wanted to call attention to the fact that the Secretary of War objected.

The SPEAKER. Is there objection to the consideration of the bill?

There was no objection.

Mr. REECE. Mr. Speaker, I ask unanimous consent to substitute an identical Senate bill (S. 750), and I ask that it be considered in lieu of the House bill, with the amendment to be offered by the gentleman from New York.

The SPEAKER. The gentleman asks unanimous consent to substitute the Senate bill. Is there objection?

There was no objection.

The Clerk read the bill (S. 750), as follows:

*Be it enacted, etc.,* That section 6 of the national defense act of June 3, 1916, as amended, is amended by adding to the end thereof the following:

"In addition there shall be created a new rank of bandmaster in the United States Army in lieu of the present warrant-officer band leaders, who shall be appointed and commissioned bandmasters by the President, by and with the advice and consent of the Senate.

"Sec. 6a. Chief bandmaster: A chief bandmaster shall be selected from among experienced Army bandmasters of the service by the Secretary of War, to serve until relieved by the Secretary of War, and shall have the assimilated rank, pay, and allowances of a major, fourth pay period, while so serving. He is charged with the duty for the uniform administration of the Army Music School and all authorized Army bands, and shall advise The Adjutant General on all matters relating to the musical organizations in the Army.

"Sec. 6b. Bandmasters: Bandmasters hereafter commissioned under the above section shall be entitled to the same benefits in respect to pay, allowances, and retirements as are applicable to commissioned officers of the various grades to which they are assimilated with, as follows: Less than 3 years, first pay period, to rank with second lieutenants; 3 to 10 years, second pay period, to rank with first lieutenants; over 10 years, third pay period, to rank with captains. All prior active band-leader service, commissioned and enlisted, shall be credited toward computing the pay period present band leaders shall receive on first appointment. There shall be one bandmaster for each authorized band of the Army and eight additional bandmasters for duty with the Army Music School as instructors. Appointment as bandmasters shall be made, first, from band leaders now in the service who are found to be physically qualified; second, subject to such examination as the President may prescribe from noncommissioned officers and other enlisted musicians who have had at least 10 years' service in Army bands, with preference to such appointments to qualified graduates of the Army Music School."

Sec. 2. The limitations now prescribed by law upon the number of commissioned officers of the Army, and the number of commissioned officers in the various grades, are hereby increased to, and only to, the extent necessary to give effect to the provisions of this act. The number of warrant officers authorized by law shall be decreased by the number of warrant officers receiving commissions in pursuance of the provisions of this act.

Sec. 3. This act shall take effect on the first day of the third month next following its enactment.

Sec. 4. This act may be cited as the "Army bands act."

Mr. LAGUARDIA. Mr. Speaker, I offer the following amendment: Page 2, line 20, after the word "commission," insert a comma and the word "warrant."

The Clerk read as follows:

Page 2, line 20, after the word "commission," insert a comma and the word "warrant."

The amendment was agreed to.

Mr. LAGUARDIA. I offer another amendment.

The Clerk read as follows:

Page 3, line 1, after the word "physician," insert the word "professional."

The amendment was agreed to.

The Clerk read the following committee amendments:

Page 2, line 6, after the word "is," insert the words "shall be."

Page 2, line 7, after the word "of," strike out the words "the Army Music School."

Page 2, line 23, after the word "Army," strike out "and eight additional bandmasters for duty with the Army Music School as instructors."

The committee amendments were agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

#### RETIREMENT, OFFICERS OF MEDICAL CORPS

The next business on the Consent Calendar was the bill (H. R. 11981) to authorize officers of the Medical Corps to account certain services in computing their right for retirement, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That in computing length of service for purposes of retirement in the case of an officer of the Medical Corps of the Army, active duty performed as a member of the Medical Reserve Corps or as a contract surgeon, acting assistant surgeon, or contract physician, under a general contract obligating him to serve full time and to take station and change station as ordered, shall be credited to the same extent as service under a Regular Army commission.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### PAVING OF RINGGOLD ROAD, STATE OF GEORGIA

The next business on the Consent Calendar was the bill (H. R. 11724) to provide for the paving of the Government road, known as the Ringgold Road, extending from Chickamauga and Chattanooga National Military Park, in the State of Georgia, to the town of Ringgold, Ga., constituting an approach road to the Chickamauga and Chattanooga National Military Park.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Mr. Speaker, reserving the right to object, I have certain amendments the gentleman from Georgia [Mr. TARVER] I understand is agreeable to, and with those I have no objection to the bill.

Mr. TARVER. Mr. Speaker, I have not examined the amendments, but I understand they are the same as those proposed in a bill passed not long ago.

Mr. CRAMTON. Yes; on the Lafayette Road bill.

Mr. TARVER. I have no objection.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Secretary of War is authorized to improve and pave the Government road, known as the Ringgold Road, commencing at the Chickamauga and Chattanooga National Military Park and extending to Ringgold, Ga., in the length of approximately 7.8 miles, for which an appropriation of not to exceed \$117,000 is hereby authorized out of any money in the Treasury not otherwise appropriated: *Provided*, That should local interests desire that said road be improved and paved in such manner as would involve an expenditure of more than \$117,000 the Secretary of War is hereby authorized to expend such sum as may be contributed by said local interests concurrently with the appropriation herein authorized in the improvement and pavement of said road: *Provided further*, That no part of the funds herein authorized to be appropriated shall be expended prior to such time as agreements have been made for the conveyance of the Federal jurisdiction over said road, as provided in the act of March 3, 1925 (43 Stat. L. 1104), immediately upon the completion of such improvements as may be made hereunder.

With the following committee amendments:

Page 2, line 8, strike out the words "local interests" and insert in lieu thereof the following: "the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority."

Mr. CRAMTON. Mr. Speaker, I offer the following amendment to the committee amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. CRAMTON as a substitute for the committee amendment: Page 2, strike out lines 8 to 13, inclusive, and insert in lieu thereof the following:

"That no part of the appropriation herein authorized shall be available until the State of Georgia or any county or municipality, or local subdivision thereof, or any State or county or municipal highway commission or equivalent public authority, shall contribute at least an equal amount for the same purpose, and the Secretary of War is hereby."



The SPEAKER. The question is on agreeing to the amendment offered by the gentleman from Michigan.

The amendment was agreed to.

The committee amendment as amended was agreed to.

The SPEAKER. The Clerk will report the next committee amendment.

The Clerk read as follows:

Page 2, line 17, after the word "road," strike out the rest of line 17 down to and including the word "hereunder," in line 23, and insert in lieu thereof the following: "Provided further, That should the State of Georgia or any county or municipality or legal subdivision thereof, or any State or county or municipal highway commission, or equivalent public authority desire that the position of said road be changed in any particular from the present Government-owned right of way, and should such local authorities acquire title to the land necessary to effect such changes, the Secretary of War may expend the funds herein authorized for the improvement and pavement of such road as changed: And provided further, That no part of this appropriation shall be expended until the State of Georgia, or the counties or municipalities thereof concerned, have obligated themselves in writing to the satisfaction of the Secretary of War that they will accept title to the present Government-owned road, known as the Ringgold Road, and will maintain said road as built under the provisions of the act approved March 3, 1925 (43d Stat. L. 1104), immediately upon the completion of such improvements as may be made under this appropriation."

Mr. CRAMTON. Mr. Speaker, I offer the following amendment to that amendment which I send to the Clerk's desk.

The Clerk read as follows:

Mr. CRAMTON offers the following amendment to the second committee amendment: Page 3, strike out lines 8 to 13, inclusive, of the committee amendment and insert in lieu thereof the following: "And provided further, That no part of the appropriation herein authorized shall be expended until the State of Georgia or the counties or municipalities thereof concerned have accepted title to the present Government-owned road, known as the Ringgold Road, and have obligated themselves in writing to the satisfaction of the Secretary of War that they will maintain the same."

The SPEAKER. The question is on the amendment of the gentleman from Michigan.

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### SALE OF COLUMBIA ARSENAL PROPERTY, TENNESSEE

The next business on the Consent Calendar was the bill H. R. 12479, authorizing the sale of all of the interest and rights of the United States of America in the Columbia Arsenal property, situated in the ninth civil district of Maury County, Tenn., and providing that the net fund be deposited in the military post construction fund.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LA GUARDIA. Mr. Speaker, reserving the right to object, is there any urgency for the passage of this bill to-day?

Mr. ESLICK. Yes. It is an urgent matter with the people, because the life of this school is depending upon it.

Mr. LA GUARDIA. What was the idea of the long recital in the whereases in the bill?

Mr. ESLICK. To set out the whole history of the matter.

Mr. LA GUARDIA. But that goes out.

Mr. ESLICK. Yes.

Mr. LA GUARDIA. This land was originally given to the Columbia Academy to be used for the purpose specified in the grant.

Mr. ESLICK. No; the citizens of Columbia bought the land and deeded it to the United States Government, and it was used as arsenal property.

Mr. LA GUARDIA. That was in 1888?

Mr. ESLICK. In 1888, and in 1894 the Government by special act of Congress authorized the conveyance of this property to this school corporation, and in the deed there is a reservation that if it should cease to be used for school purposes, then the title shall revert. Then there is the right of visitation by the Secretary of War and the right to prescribe the curriculum. These people have spent more than a hundred thousand dollars in improvements on this property. They have pupils from 38 different States in the Union.

Mr. LA GUARDIA. And what do they want to do now?

Mr. ESLICK. They have to go forward with new improvements and buildings, and with this limitation on that title they can not borrow any money.

Mr. LA GUARDIA. So they are going to appraise this land and get rid of that limitation?

Mr. ESLICK. Yes.

Mr. McSWAIN. This is so that they can mortgage the land and borrow some money.

Mr. LA GUARDIA. I withdraw my objection and ask unanimous consent to dispense with the reading of the whereases clauses which are very long.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. Without objection, the Clerk will omit the whereases.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized to sell upon such terms and conditions as he considers advisable and to make proper deed of conveyance to the Columbia Military Academy, a corporation organized under the laws of the State of Tennessee, all of the title, interest, limitations, conditions, restrictions, reservations, and rights owned and held by the United States of America as defined in Public Act No. 152 of the second session of the Fifty-eighth Congress and in the deed of the United States of America to the lands conveyed therein to the Columbia Military Academy of record in book 105, volume 4, page 495 in the register's office of Maury County, Tenn. Said limitations, conditions, restrictions, reservations, and rights are defined in said public act and deed, as follows:

That the Secretary of War shall be a visitor to said school and have and exercise full rights of visitation, and he shall have the right and authority in his discretion, as the public interest requires, to prescribe the military curriculum of said school and to enforce compliance therewith, and upon refusal or failure of the authorities of said school to comply with the rules and regulations so prescribed by the Secretary of War or the terms of the act he is authorized to declare that the estate of the grantee has terminated and the property shall revert to the United States, and the Secretary of War is authorized thereupon to take possession of said property in behalf of the United States, and shall further reserve to the United States the right to use such lands for military purposes at any time upon demand of the President of the United States.

Said lands to which said limitations, conditions, restrictions, reservations, and rights attach are described as situated in the ninth civil district of Maury County, Tenn., and were formerly used as an arsenal and known as the Columbia Arsenal property, the same comprising about 67 acres, more or less, and generally bounded by the Hampshire Pike, the Louisville & Nashville Railroad, the Mount Pleasant Pike, and a public road connecting the two pikes above named.

All of said limitations, conditions, restrictions, reservations, and rights of the United States of America, whether legal or equitable, vested or contingent, in and to said lands as specified and defined in said public law and deed and belonging to the United States of America will pass to the purchaser under the sale herein authorized.

SEC. 2. The Secretary of War shall have said tract of land appraised, the appraisal being of the land alone and without regard to the buildings thereon; and the Secretary of War shall not sell the rights and interests of the Government herein above defined in said Columbia Arsenal property for a less consideration than the appraised value herein provided for.

SEC. 3. That the proceeds of said sale shall be deposited in the Treasury to the fund known as the military post construction fund after first paying the expenses of and incident to the sale including appraisal fees, but no appraiser shall be paid in excess of \$100 for such services as he may render under the terms of this act.

The SPEAKER. Without objection, the whereases will be stricken out.

There was no objection.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### PAY OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST AND GEODETIC SURVEY, AND PUBLIC HEALTH SERVICE

The next business on the Consent Calendar was the bill (H. R. 12624) to amend section 17 of the act of June 10, 1922, entitled "An act to readjust the pay and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CRAMTON. Reserving the right to object, Mr. Speaker, I am not familiar with the merits of the bill. I have not studied that. The form of it is very undesirable. I have pre-

pared an amendment that will set up the complete section as amended. I will offer it when the proper time comes.

Mr. COLLINS. I object.

Mr. HOFFMAN. Mr. Speaker, I hope the gentleman will withhold his objection and let this bill pass. Otherwise 150 retired officers on active duty will be deprived of their regular annual leave this summer. I believe the bill is meritorious.

Mr. COLLINS. Does it apply simply to annual leave?

Mr. HOFFMAN. To annual leave and to longevity pay. It confirms rights already established by law, but not granted by reason of the ruling of the Attorney General.

Mr. COLLINS. I object.

The SPEAKER. Objection is heard.

DONATION OF BUILDINGS TO THE CITY OF TUCSON, ARIZ.

The next business on the Consent Calendar was the bill (S. 2978) authorizing the Secretary of War to donate certain buildings to the city of Tucson, Ariz.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

*Be it enacted, etc.,* That the Secretary of War is hereby authorized to donate to the city of Tucson, State of Arizona, without cost to the said city, for public use, all of buildings Nos. 1, 3, and 4 now located on the old Army aviation field in said city of Tucson, including heating and plumbing fixtures and excluding water heater and hot-water tank, which said buildings are now located on property of the said city of Tucson formerly leased to the United States.

The SPEAKER. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

AMENDMENT OF SECTION 127A, NATIONAL DEFENSE ACT

The next business on the Consent Calendar was the bill (H. R. 11273) to amend section 127a, national defense act, as amended and approved June 4, 1920.

The title of the bill was read.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER. The Clerk will report the bill.

Mr. CRAMTON. Mr. Speaker, I ask unanimous consent that the bill be considered as read.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The bill reads as follows:

*Be it enacted, etc.,* That the first paragraph of section 127a of the national defense act, as amended and approved June 4, 1920, is hereby amended to read as follows:

"SEC. 127a. Miscellaneous provisions: Hereafter no detail, rating, or assignment of an officer shall carry advanced rank, except as otherwise specifically provided herein: *Provided*, That in lieu of the 50 per cent increase of pay provided for in this act any officer who has heretofore been announced in the War Department orders as having qualified on or before December 31, 1913, as a military aviator or any officer upon whom the rating of military aviator has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy, shall while on duty which requires him to participate regularly and frequently in aerial flights, receive the pay, allowances, and additional pay as provided by the act of June 3, 1916, and the act of July 24, 1917, for the rating of military aviator. At any time after the passage of this act any officer who has heretofore been announced in War Department orders as having qualified as a military aviator on or before December 31, 1913, shall, if he make application therefore to the President, be retired from active service and be placed upon the retired list. The retired pay of any officer who has heretofore been announced in War Department orders as having qualified as a military aviator on or before December 31, 1913, shall be 75 per cent of all the pay and allowances, including flying pay, of the grade in which he is retired. No extra pay or allowances shall accrue under the provisions of this section for services rendered prior to the passage thereof."

Mr. McSWAIN. Mr. Speaker, I offer two amendments.

The SPEAKER. The gentleman from South Carolina offers two amendments, which the Clerk will report.

The Clerk read as follows:

Amendments offered by Mr. McSWAIN: Page 2, line 5, after the word "enemy," add the following: "or any officer who is officially credited on the records of the War Department with the destruction in aerial combat during the World War of five or more enemy aircraft."

Page 2, lines 18, 19, and 20, strike out remainder of sentence after "1913" and substitute therefor the following: "or any officer upon whom the rating of military aviator has heretofore been conferred for having specially distinguished himself in time of war in active operations against the enemy or any officer who is officially credited on the records of the War Department with the destruction in aerial combat during the World War of five or more enemy aircraft, shall be 75 per cent of all the active pay and allowances, including flying pay, of his grade on the retired list."

Mr. LaGUARDIA. Mr. Speaker, will the gentleman from South Carolina yield?

Mr. McSWAIN. Yes.

Mr. LaGUARDIA. The gentleman flashes two amendments on us which, on their face, may be all right. This bill as it comes before us is to provide for proper legislation concerning seven military aviators. Seven of them have retired; 10 of them have been killed or died. The gentleman comes in with these two amendments. We do not know just how far-reaching they are. We do not know why pursuit pilots have been picked out, and not bomb pilots. I hope the bill may be passed over without prejudice so that it may be considered at the proper time.

Mr. McSWAIN. I did not want to take anyone by surprise. These men should come in on their merits.

Mr. CRAMTON. Mr. Speaker, the gentleman's amendments have been offered and might stand for the information of the House. I suggest that he let the bill be passed over to-day. The bill will come up later and then possibly the amendments will be agreed to.

Mr. McSWAIN. Objection can be made the next time by one Member. I will withdraw my amendments at the present time.

The SPEAKER. The amendments of the gentleman from South Carolina are withdrawn. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

ROAD OR CAUSEWAY ACROSS LAKE SABINE, PORT ARTHUR, TEX.

The next business on the Consent Calendar was the bill (H. R. 10951) authorizing the construction of a toll road or causeway across Lake Sabine at or near Port Arthur, Tex.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That, in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, H. L. McKee, his heirs, legal representatives, and assigns, be, and is hereby, authorized to construct, maintain, and operate a road or causeway with a bridge therein and approaches thereto, across Lake Sabine, at a point suitable to the interests of navigation, between a point at or near Port Arthur, Tex., and a point opposite in Cameron Parish, La., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon H. L. McKee, his heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such road, causeway, or bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said H. L. McKee, his heirs, legal representatives, and assigns, is hereby authorized to fix and charge tolls for transit over such road, causeway, and bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such road, causeway, and bridge, as determined by the Secretary of War, either the State of Texas, the State of Louisiana, any public agency or political subdivision of either of such States, within or adjoining which any part of such road, causeway, and bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such road, causeway, and bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing



the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 10 years after the completion of such road, causeway, and bridge, the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such road, causeway, and bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the road, causeway, and bridge and its approaches and acquiring such interests in real property, and (4) actual expenditures for necessary improvements.

SEC. 5. If such road, causeway, and bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the road, causeway, and bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 15 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such road, causeway, and bridge shall thereafter be maintained and operated free of tolls, or rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the road, causeway, and bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the road, causeway, and bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said H. L. McKee, his heirs, legal representatives, and assigns, shall within 90 days after the completion of such road, causeway, and bridge, file with the Secretary of War and with the Highway Departments of the States of Texas and Louisiana, a sworn itemized statement showing the actual original cost of constructing the road, causeway, and bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such road, causeway, and bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of cost so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such road, causeway, and bridge; for the purpose of such investigation the said H. L. McKee, his heirs, legal representatives, and assigns, shall make available all of his records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the road, causeway, and bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, and any corporation to which any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. There is hereby granted to H. L. McKee, his heirs, legal representatives, and assigns, a right of way not to exceed 500 feet in width across the spoil bank of the intracoastal canal at such location, to be approved by the Chief of Engineers, as will provide a highway connection or connections between the road or causeway authorized by this act and any bridge or bridges that are or may hereafter be constructed across the intracoastal canal. The duration of such right of way shall terminate with the termination of the franchise granted by this act for the construction of the road or causeway and shall attach to and become a part of such road or causeway, and shall pass with the same in any transfer thereof.

SEC. 9. The right to alter, amend, or repeal this act is hereby expressly reserved.

With the following committee amendments:

Page 1, line 7, after the word "a," strike out the words "road or causeway with a," and in the same line, after the word "bridge" strike out the word "therein."

Page 2, line 12, after the word "such," strike out the words "road, causeway, or."

Page 2, line 20, after the word "State," insert a colon and add the following: "Provided, That no part of the present Pleasure Pier on the

east side of the Sabine-Neches Canal belonging to the city of Port Arthur and/or leased to the Port Arthur Chamber of Commerce and Shipping shall be condemned, nor shall the same be acquired or occupied by the said H. L. McKee, his heirs, legal representatives, or assigns, except upon terms and conditions to be stipulated by said city of Port Arthur and the Port Arthur Chamber of Commerce and Shipping."

Page 3, line 5, after the word "such," strike out the words "road, causeway, and."

Page 3, line 9, after the word "such," strike out the words "road, causeway, and."

Page 3, line 13, after the word "such," strike out the words "road, causeway, and."

Page 3, line 15, after the word "such," strike out the words "road, causeway, and."

Page 3, line 22, after the word "such," strike out the words "road, causeway, and."

Page 4, line 2, after the word "such," strike out the words "road, causeway, and."

Page 4, line 7, after the word "the," strike out the words "road, causeway, and."

Page 4, line 10, after the word "such," strike out the words "road, causeway, and," and after the word "bridge" insert the words "and its approaches."

Page 4, line 17, after the word "the," strike out the words "road, causeway, and."

Page 4, line 25, after the word "such," strike out the words "road, causeway, and."

Page 5, line 4, after the word "the," strike out the words "road, causeway, and."

Page 5, line 6, after the word "the," strike out the words "road, causeway, and."

Page 5, line 13, after the word "such," strike out the words "road, causeway, and."

Page 5, line 16, after the word "the," strike out the words "road, causeway, and."

Page 5, line 22, after the word "such," strike out the words "road, causeway, and."

Page 5, line 25, after the word "shall," strike out the word "made" and insert the word "make."

Page 6, line 2, after the word "such," strike out the words "road, causeway, and."

Page 6, line 8, after the word "the," strike out the words "road, causeway, and."

Page 6, line 23, after the word "exceed," strike out the word "five" and insert the word "one."

Page 6, line 24, after the word "the," strike out the word "intra-coastal" and insert the word "ship."

Page 7, line 1, after the word "the," strike out the words "road or causeway" and insert the word "bridge."

Page 7, line 3, after the word "the," strike out the words "intra-coastal canal" and insert the words "ship canal, the United States to retain such free use of the right of way as does not interfere with the bridge approach: *Provided*, That no toll shall be charged for use of the approach to be built on United States property."

Page 7, line 9, after the word "the," strike out the words "road or causeway" and insert the word "bridge."

Page 7, line 11, after the word "such," strike out the words "road or causeway" and insert the word "bridge."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### BRIDGE ACROSS EMORY RIVER

The next business on the Consent Calendar was the bill (H. R. 12664) granting the consent of Congress to the County Court of Roane County, Tenn., to construct a bridge across the Emory River at Suddaths Ferry, in Roane County, Tenn.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. DENISON. Mr. Speaker, there is a Senate bill substantially similar, and I ask unanimous consent to consider the Senate bill in lieu of the House bill, and I shall offer an amendment to correct the text.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The Clerk read the Senate bill, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the County Court of Roane County, Tenn., to construct, maintain, and operate a bridge and approaches thereto across the Emory River, at a point suitable to the interests of navigation, at or near Suddaths Ferry, in Roane County, Tenn., in accordance with the provisions of

the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. DENISON. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DENISON: Page 1, line 6, strike out "Emory" and insert "Emery."

The amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

A similar House bill was laid on the table.

#### CHIPPEWA INDIANS IN THE STATE OF MINNESOTA

The next business on the Consent Calendar was the bill (H. R. 12067) to set aside certain lands for the Chippewa Indians in the State of Minnesota.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the Commissioner of Indian Affairs having recommended to the Secretary of the Interior on February 8, 1899, that certain Chippewa Indian lands be withheld from entry and settlement, described as follows: The southwest quarter and the south half of the southeast quarter section 21, township 145, range 26 west of the fifth principal meridian, in Minnesota, consisting of 240 acres, and reserved as a village site made to the Indians residing on the reservation of the Mississippi Chippewa, known as the Chippewa Reservation, and approved by the Secretary of the Interior on February 8, 1899, are hereby permanently reserved for said village site for said Indians.

With the following committee amendment:

Page 2, line 3, strike out the figure "8" and insert in lieu thereof the figure "9."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

#### SUPERINTENDENTS OF NATIONAL CEMETERIES AND NATIONAL MILITARY PARKS

The next business on the Consent Calendar was the bill (H. R. 10809) to provide qualifications for the superintendents of national cemeteries and national military parks.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. BROWNING. Mr. Speaker, I object.

#### FORT PECK INDIAN RESERVATION, MONT.

The next business on the Consent Calendar was the bill (H. R. 11580) to authorize the leasing or sale of land reserved for administrative purposes on the Fort Peck Indian Reservation, Mont.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LEAVITT. Mr. Speaker, I give notice that I intend to offer an amendment to this bill.

Mr. LAGUARDIA. Mr. Speaker, reserving the right to object, what is the purpose of selling this land, at all?

Mr. LEAVITT. It is land that has been withdrawn for agency school use, and so on, and is not now being used for that purpose. I intend to offer an amendment which will restrict the authorization of sale to a small area needed for a landing field, which adjoins the town of Wolf Point.

Mr. LAGUARDIA. For a public landing field?

Mr. LEAVITT. Yes.

Mr. LAGUARDIA. Are you going to give it to the town?

Mr. LEAVITT. The town will purchase or lease it, and if purchased it will carry the provision that any discovery of oil, gas, and minerals shall remain to the benefit of the Indians.

Mr. LAGUARDIA. Does the gentleman's amendment provide for the conveyance of the land to the town for an aviation field?

Mr. LEAVITT. Yes; with the consent of the tribal council. The bill would do that as it is, since it would apply to all such

lands as now written. But in the last day or two I have received word that there is some disagreement among the Indians as to some features. But they have all seemingly agreed on this one proposition of a landing field, and it is my intention to confine the present bill to that one purpose and possibly take care of the general situation later.

Mr. LAGUARDIA. The land will be sold to the town for a public aviation field?

Mr. LEAVITT. Yes; or leased.

Mr. LAGUARDIA. Do you use the word "public"?

Mr. LEAVITT. I will be glad to have that go in.

The SPEAKER. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That, with the approval of the Secretary of the Interior and upon such terms and conditions as he may prescribe, the council of the Fort Peck Indians in the State of Montana is hereby authorized to lease or sell any of the tribal land reserved for agency, school, and other administrative purposes on said reservation: *Provided*, That no part of said land shall be sold until no longer required for such purposes or for allotment to individual Indians, and in case of sale the mineral rights, including oil and gas, shall be reserved to the tribe: *Provided further*, That the proceeds derived from the sale or lease of said land shall be deposited in the Treasury of the United States to the credit of the Fort Peck Tribe subject to disposition under the act of May 30, 1908. (35 Stat. L. 558.)

Mr. LEAVITT. Mr. Speaker, I desire to offer an amendment.

The SPEAKER. The gentleman from Montana offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LEAVITT: Page 1, line 6, after the word "sell," strike out the language "any of the tribal lands reserved for agency school or for other administrative purposes on said reservation" and insert in lieu thereof the following:

"Lot 6 and the southeast quarter of the southeast quarter of section 16, township 28, north of range 47 east, Montana principal meridian, for a public aviation field."

Page 1, line 8, after the word "that," strike out the language "no part of said land shall be sold until no longer required for such purposes or for allotment to individual Indians and."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### SENECA OIL SPRINGS RESERVATION, N. Y.

The next business on the Consent Calendar was the bill (H. R. 12446) to approve a deed of conveyance of certain land in the Seneca Oil Spring Reservation, N. Y.

The Clerk read the title of the bill.

Mr. LAGUARDIA. Mr. Speaker, I have an amendment which simply provides that the land shall revert to the Seneca Nation of Indians if it is ever placed to any other use following the text of the original grant.

Mr. LEAVITT. I am sure there will be no objection to that on the part of the committee.

Mr. HOOPER. Mr. Speaker, reserving the right to object, I would like to ask the gentleman from Montana a question. I notice the report says that the Indians have already received what seems to be a just compensation for the land. Does the gentleman know that it was just compensation?

Mr. LEAVITT. I have been so informed by the gentleman from New York [Mr. REED].

Mr. HOOPER. And the gentleman is entirely satisfied there is no question about the compensation?

Mr. LEAVITT. Not to my mind; and in any event, it is only for the erection of a monument.

Mr. HASTINGS. Mr. Speaker, I would like to have the bill read.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That a certain instrument of conveyance dated December 30, 1927, from the Seneca Nation of Indians to the Seneca Oil Spring Association (Inc.), granting by quitclaim title a tract of land having a radius of 75 feet from the center of the oil spring located on the Oil Spring Reservation, N. Y., and a right of way 3 rods wide to such spring from the public highway now passing through the reservation, is hereby confirmed and the approval of the Assistant Secretary of the Interior Department of February 28, 1928, thereof is hereby validated: *Provided*, That the purpose for which the land is hereby conveyed shall be for the preserving of the spring as a historical monument only.



The SPEAKER. Is there objection to the present consideration of the bill?

There was no objection.

Mr. LAGUARDIA. Mr. Speaker, I offer an amendment.

The SPEAKER. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. LAGUARDIA: Page 2, line 3, strike out the period and insert the following: "And title to said land shall revert to the Seneca Nation of Indians if said land is ever placed to any other use."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

#### BRIDGES ACROSS THE TENNESSEE RIVER

Mr. DENISON. Mr. Speaker, just before we adjourn, and out of order, I ask unanimous consent to take up the bill (H. R. 13481) authorizing an Alabama State corporation, or, in fact, the State of Alabama, to build 15 State bridges. There is an emergency on account of the fact that these bridges are to be constructed under a State law, and the time is very important.

The Clerk read the title of the bill, as follows:

A bill (H. R. 13481) granting the consent of Congress to the Alabama State Bridge Corporation to construct bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the Alabama State Bridge Corporation, a body corporate organized and existing under an act of the Legislature of Alabama approved August 31, 1927, to construct, maintain, and operate toll bridges at or near the following points within the State of Alabama, to wit:

One across the Tennessee River at or near Whitesburg Ferry on the Huntsville-Cullman Road, between Madison and Morgan Counties; one across the Tennessee River at or near Guntersville on Huntsville-Guntersville Road, in Marshall County; one across the Tennessee River at or near Scottsboro on the Scottsboro-Fort Payne Road, in Jackson County; one across the Tombigbee River near Butler on the Butler-Linden Road, between Choctaw and Marengo Counties; one across the Tombigbee River at or near Epes on the Eutaw-Livingston Road, between Sumter and Greene Counties; one across the Tombigbee River at or near Gainesville, on the Gainesville-Eutaw Road, between Sumter and Greene Counties; one across the Tombigbee River at or near Cochrane on the Aliceville-Cochrane Road, in Pickens County; one across the Warrior River, between Eutaw and Linden, at or near Demopolis, Ala., between Greene and Marengo Counties or between Greene and Hale Counties; one across the Warrior River at or near Eutaw on the Eutaw-Greensboro Road, between Greene and Hale Counties; one across the Alabama River at or near Claiborne on the Monroeville-Grove Hill Road, between Monroe and Clarke Counties; one across the Alabama River near Camden on the Camden-Linden Road, in Wilcox County; one across the Coosa River at or near Childersburg on the Columbiana-Talladega Road, between Shelby and Talladega Counties; one across the Coosa River at or near Riverside on the Anniston-Birmingham Road, between St. Clair and Talladega Counties; one across the Coosa River at or near Cedar Bluff on the Center to Georgia State-Line Road, in Cherokee County; one across the Tombigbee River at or near Jackson, between Clarke and Washington Counties; all of said bridges shall be located at points suitable to the interests of navigation and shall be constructed in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridges, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridges under economical management, and to provide a sinking fund sufficient to amortize the costs of the bridges, including reasonable interest on bonds issued to provide funds for constructing the same, as soon as possible, under reasonable charges, but within a period of not to exceed 18 years from the date of approval of this act. After a sinking fund sufficient for such amortization shall have been so provided, and in any event after such period of 18 years, all of said bridges shall thereafter be maintained and operated free of tolls. All tolls collected for the use of said bridges shall be kept in a separate fund by the proper authorities of the State of Alabama, according to the law of said State, and no part of said funds shall be used for any purpose except for paying for the reasonable cost of maintaining, repairing, and operating the bridges and amortizing the costs of constructing the same, including interest, as provided in this act. The tolls charged by the Alabama State Bridge Corporation, its successors or assigns, shall be

uniform as between persons, and as between vehicles of the same type, using each of such bridges, and the corporation shall not authorize or permit any discrimination between persons or between vehicles of the same type transiting any particular bridge constructed under the provisions of this act: *Provided*, That nothing herein shall be construed to prevent different tolls being charged at different bridges, but in fixing the rate of tolls there shall be no discrimination as between persons and none as between vehicles of the same type. An accurate record of the cost of the bridges, the amount of notes or bonds issued for the construction of the same, and the expenditures for maintaining, repairing, and operating the same, the daily tolls collected, and the sinking fund on hand shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read as follows: "A bill granting the consent of Congress to the Alabama State Bridge Corporation to construct, maintain, and operate bridges across the Tennessee, Tombigbee, Warrior, Alabama, and Coosa Rivers, within the State of Alabama."

A motion to reconsider was laid on the table.

#### ANNIVERSARY OF THE CONQUEST OF THE NORTHWEST TERRITORY

Mr. LUCE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the resolution (S. J. Res. 23) providing for the participation of the United States in the celebration in 1929 and 1930 of the one hundred and fiftieth anniversary of the conquest of the Northwest Territory by Gen. George Rogers Clark and his army, and authorizing an appropriation for the construction of a permanent memorial of the Revolutionary War in the West, and of the accession of the old Northwest to the United States on the site of Fort Sackville, which was captured by George Rogers Clark and his men February 25, 1779, with House amendments, insist upon the House amendments and agree to the conference asked.

The Clerk read the title of the joint resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts? [After a pause.] The Chair hears none and appoints the following conferees: Messrs. LUCE, ALLEN, DAVENPORT, GILBERT, and BULWINKLE.

#### VETERANS OF FOREIGN WARS

Mr. BEERS. Mr. Speaker, I offer the following privileged resolution from the Committee on Printing.

The Clerk read as follows:

#### House Resolution 113

*Resolved*, That there shall be printed as a House document the proceedings of the Twenty-ninth National Encampment of the Veterans of Foreign Wars of the United States for the year 1928, with accompanying illustrations.

The resolution was agreed to.

#### STATUE OF ANDREW JACKSON

Mr. BEERS. Mr. Speaker, I present another privileged resolution from the Committee on Printing.

The Clerk read as follows:

#### House Concurrent Resolution 33

*Resolved by the House of Representatives (the Senate concurring)*, That there be printed and bound, with illustrations, the proceedings in Congress, together with the proceedings at the unveiling in Statuary Hall, upon the acceptance of the statue of Andrew Jackson, the seventh President of the United States, presented by the State of Tennessee, 10,000 copies, of which 2,000 shall be for the use of the Senate and 5,000 for the use of the House of Representatives, and the remaining 3,000 copies shall be for the use and distribution of the Senators and Representatives in Congress from the State of Tennessee.

The Joint Committee on Printing is hereby authorized to have the copy prepared for the Public Printer, who shall provide suitable illustrations to be bound with these proceedings.

Mr. KINCHELOE. Will the gentleman state whether these documents are to be distributed through the folding room or the document room?

Mr. BEERS. Through the folding room.

The resolution was agreed to.

#### CAPITAL PUNISHMENT IN THE DISTRICT OF COLUMBIA

Mr. BEERS. Mr. Speaker, I offer another resolution. The Clerk read as follows:

#### House Concurrent Resolution 30

*Resolved by the House of Representatives (the Senate concurring)*, That, in accordance with paragraph 3 of section 2 of the printing act approved March 1, 1907, the Committee on the District of Columbia of the House of Representatives be, and is hereby, empowered to have

printed for its use 1,000 additional copies of the hearings held before the committee during the Sixty-ninth Congress, first session, on the bills (H. R. 349 and H. R. 4498) to abolish capital punishment in the District of Columbia.

With the following committee amendment:

Page 1, line 6, strike out the word "one" and insert the word "two."

The committee amendment was agreed to.  
The resolution as amended was agreed to.

#### SOME OUTSTANDING HEROES OF THE WORLD WAR

**Mr. ROY G. FITZGERALD.** Mr. Speaker, I ask unanimous consent to extend my remarks in the Record on the bill (S. 777) and include citations for medals of honor which have been granted and citations for gallantry in action and the names of some of the beneficiaries.

The **SPEAKER.** The gentleman from Ohio asks unanimous consent to extend his remarks. Is there objection?  
There was no objection.

**Mr. ROY G. FITZGERALD.** Mr. Speaker, under the leave to extend my remarks in the Record, I include the following: Senate bill 777 is to come before the House on Thursday. Of the great army which our country contributed to the conflict, there are a host of examples of noble and patriotic men among both enlisted men and officers. I call attention at this time to some of the latter, whose records make us proud we are Americans and whose heroic conduct inspire us with the highest ideals of patriotism and love of country. These names should be engraved in our memories. They deserve the honor of a grateful Nation.

#### DECORATIONS AND CITATIONS OF DISABLED EMERGENCY ARMY OFFICERS AWARDED FOR GALLANTRY IN ACTION DURING THE WORLD WAR CONGRESSIONAL MEDAL OF HONOR (3)

**George H. Mallon:** In the Boise-de-Forges, France, September 26, 1918. Residence, Minneapolis, Minn.; born, Ogden, Kans.; General Orders, No. 16, War Department, 1919. Captain, One hundred and thirty-second Infantry, Thirty-third Division. Becoming separated from the balance of his company because of a fog, Captain Mallon, with nine soldiers, pushed forward and attacked nine active hostile machine guns, capturing all of them without the loss of a man. Continuing on through the woods, he led his men in attacking a battery of four 155-millimeter howitzers, which were in action, rushing the position and capturing the battery and its crew. In this encounter Captain Mallon personally attacked one of the enemy with his fists. Later, when the party came upon two more machine guns, this officer sent men to the flanks while he rushed forward directly in the face of the fire and silenced the guns, being the first one of the party to reach the nest. The exceptional gallantry and determination displayed by Captain Mallon resulted in the capture of 100 prisoners, 11 machine guns, four 155-millimeter howitzers, and one antiaircraft gun.

**L. Wardlaw Miles:** Near Revillon, France, September 14, 1918. Residence, Princeton, N. J.; born, Baltimore, Md.; General Orders, No. 44, War Department, 1919. Captain, Three hundred and eighth Infantry, Seventy-seventh Division. Volunteered to lead his company in a hazardous attack on a commanding trench position near the Aisne Canal which other troops had previously attempted to take without success. His company immediately met with intense machine-gun fire, against which it had no artillery assistance, but Captain Miles preceded the first wave and assisted in cutting a passage through the enemy's wire entanglements. In so doing he was wounded five times by machine-gun bullets, both legs and one arm being fractured, whereupon he ordered himself placed on a stretcher and had himself carried forward to the enemy trench in order that he might encourage and direct his company, which by this time had suffered numerous casualties. Under the inspiration of this officer's indomitable spirit his men held the hostile position and consolidated the front line after an action lasting two hours, at the conclusion of which Captain Miles was carried to the aid station against his will.

**Joseph H. Thompson:** Near Apremont, France, October 1, 1918. Residence, Beaver Falls, Pa.; born, Ireland; General Orders, No. 21, War Department, 1925. Major, One hundred and tenth Infantry, Twenty-eighth Division. Counterattacked by two regiments of the enemy, Major Thompson encouraged his battalion in the front line by constantly braving the hazardous fire of machine guns and artillery. His courage was mainly responsible for the heavy repulse of the enemy. Later in the action, when the advance of his assaulting companies was held up by fire from a hostile machine-gun nest and all but one of the six assaulting tanks were disabled, Major Thompson, with great gallantry and coolness, rushed forward on foot three separate times in advance of the assaulting line, under heavy machine-gun and antitank-gun fire, and led the one remaining tank to within a few yards of the enemy machine-gun nest, which succeeded in reducing it, thereby making it possible for the infantry to advance.

#### DISTINGUISHED SERVICE CROSS (82)

**Charles V. Abernathy:** Near Thiaucourt, France, September 14, 1918. Residence, Palatka, Fla.; born, Shelby, N. C.; General Orders, No. 70, War Department, 1919. Second lieutenant, Sixth Infantry, Fifth Division. Commanding the regimental pioneer platoon, he led it and the Stokes mortar platoon as infantry, and overcame a machine-gun nest, capturing several machine guns and disposing of the crew. He continued to advance under heavy shell and machine-gun fire until he fell wounded in the head, hip, and leg.

**John H. Ale:** North of Flirey, France, September 12, 1918. Residence, Muncie, Ind.; born, Benton County, Ind.; General Orders, No. 128, War Department, 1918. First lieutenant, Three hundred fifty-fifth Infantry, Eighty-ninth Division. After having been badly wounded early in the action, losing his right hand and being wounded in both legs and chest, he returned to his platoon and addressed the men, telling them he was unable to go with them, but that he had confidence in their ability to go ahead without him and urged them to sustain the high reputation of the platoon, company, and battalion, thereby inspiring his men with his own personal courage to advance.

**Alfred M. Barlow:** Near Heurne, Belgium, November 3, 1918. Residence, Gallipolis, Ohio; born, Gallipolis, Ohio; General Orders, No. 37, War Department, 1919. First lieutenant, One hundred and forty-eighth Infantry, Thirty-seventh Division. Although suffering from a painful shrapnel wound in the leg, he led his company, with excellent leadership and command, over the river, and not until he had received wounds in both legs would he give his consent to be taken to a dressing station.

**Jesse B. Barton:** Near Becquigny, France, October 17, 1918. Residence, Barton, Ohio; born, Barton, Ohio; General Orders, No. 68, War Department, 1920. Second lieutenant, One hundred and eighteenth Infantry, Thirtieth Division. After his superior officer had been wounded, he assumed command of and personally led the advance of his unit until he was struck by an enemy shell and severely wounded. Although suffering intense pain and almost unconscious, he refused to be evacuated until after he had given instructions to the platoon sergeant to continue the advance. His gallant conduct was an inspiring example to the men of his platoon.

**Alfred M. Bergstein:** Near Exermont, France, October 8, 1918. Residence, Pottsville, Pa.; born, Philadelphia, Pa.; General Orders, No. 46, War Department, 1919. First lieutenant, Medical Corps, attached to Eighteenth Infantry, First Division. Under heavy shell fire, Lieutenant Bergstein cared for the wounded, although he had been severely wounded and was suffering great pain. He refused to be evacuated until all the wounded had been treated.

**Theodore E. Boyd:** Near Conflans, France, September 14, 1918. Residence, Carthage, Tenn.; born, Ashland City, Tenn.; General Orders, No. 20, War Department, 1919. Second lieutenant, Seventh Field Artillery, observer, attached to Eighty-eighth Aero Squadron, Air Service. This officer, being detailed for the protection of a photographic mission with five other planes, proceeded on his mission, when three of the escorting planes failed to join the formation. While flying near Conflans the formation engaged in combat with five enemy pursuit planes. Wounded in both legs, the left foot and the right elbow, he displayed exceptional tenacity and courage by continuing to fire his guns until the enemy were put to flight.

**Vincent C. Breen:** In the Bois Belleau north of Verdun, France, October 27, 1918. Residence, Boston, Mass.; born, Boston, Mass.; General Orders, No. 39, War Department, 1920. Captain, One hundred and first Infantry, Twenty-sixth Division. During the attack made to retake the woods lost by the retirement of our units Captain Breen was severely wounded in the arm. After receiving first aid he again led his company forward through heavy fire until wounded a second time, this time in the shoulder. It was largely due to his courage and initiative that his company was able to advance to its objective.

**Robert C. Bunge:** Near Montfaucon, France, September 26, 1918. Residence, Cincinnati, Ohio; born, New York, N. Y.; General Orders, No. 43, War Department, 1922. Captain, One hundred and forty-eighth Infantry, Thirty-seventh Division. While in command of a combat liaison group operating between the Thirty-seventh and Ninety-first Divisions and under heavy hostile artillery fire Captain Bunge, although painfully wounded by a shell fragment and burned with gas, courageously remained in command of his company, maintained contact with the enemy, and directed the company movements. When the attack was continued on September 27 and his company was acting in the same capacity, while passing through a terrible hostile artillery barrage he received a serious fracture of the skull from enemy shell fragments, and refusing to be evacuated he tenaciously continued with his group. Later, on the same day, while leading his company, he was again seriously wounded by shell fire, which necessitated his evacuation.

**Lawrence Donald Butler:** Near Romanovka, Siberia, June 25, 1919. Residence, San Francisco, Calif.; born, Plano, Tex.; General Orders, No. 133, War Department, 1919. Second lieutenant, Thirty-first Infantry. Although twice wounded, once severely early in the action, and after over 50 per cent of the detachment were casualties and the detachment completely surrounded by the enemy, he continued courage-



ously to direct the men, and by his heroism, bearing, and skill so inspired the few survivors that they were enabled to completely repulse greatly superior numbers of the enemy.

Robert B. Cable: (1309715) Near Monthrechain and Busigny, France, October 7-17, 1918. Residence, Tellico Plains, Tenn.; born, Carter County, Tenn.; General Orders, No. 46, War Department, 1919. First Lieutenant, Company M, One hundred and seventeenth Infantry, Thirtieth Division. For repeated acts of extraordinary heroism near Monthrechain and Busigny, France. Leading two platoons of his company, after the officers had become casualties, Sergeant (First Lieutenant) Cable effectively cleared the ground on the right flank of the company of machine-gun nests, capturing two guns. Later in the day he took command of the company, when no officers remained with it, and continued to be in charge for a week, in which time he led his men in six attacks, inspiring them by his fearlessness. On October 9 he led an attack on the town of Busigny, charging across an open field in the face of heavy machine-gun fire from the houses of the village, and clearing the town of the enemy. This gallant soldier was later wounded while leading two platoons against an enemy machine-gun nest.

Daniel B. Carroll: Near Bois-de-Cheppy, France, September 26-28, 1918. Residence, Santa Cruz, Calif.; born, Australia; General Orders, No. 39, War Department, 1920. First Lieutenant, Three hundred and sixty-fourth Infantry, Ninety-first Division. Although wounded in the arm in the attack of September 26, Lieutenant Carroll gallantly led his platoon forward, under heavy artillery and machine-gun fire, through the Bois-de-Cheppy. Later, while leading his platoon in an attack near the Neuve Grange Farm, he continued on until severely wounded a second time.

Charles E. Chenoweth: In the forest of Argonne, France, September 29-30, 1918. Residence, Lima, Ohio; born, St. Johns, Ohio; General Orders, No. 20, War Department, 1919. Captain, Three hundred and sixty-third Infantry, Ninety-first Division. At the time when troops on the left had retired, Captain Chenoweth, with his company, covered the left flank of his division and thus prevented an attack by the enemy upon its flank. After being severely wounded he remained at his post until he had issued the necessary orders for holding the position he had seized.

John T. Comerford: Near Bois-de-Belleu, north of Verdun, France, October 28, 1918. Residence, Brookline, Mass.; born, Brookline, Mass.; General Orders, No. 58, War Department, 1922. Captain Machine Gun Company, One hundred and first Infantry, Twenty-sixth Division. Following five days' combat, during which his company made three attacks and repulsed four counterattacks in which his company was well-nigh exhausted by uninterrupted fighting, the enemy placed a barrage of minewerfer, machine-gun, and artillery fire on a slightly entrenched front line, causing the Infantry to fall back, leaving a gap in the line. Captain Comerford volunteered to reestablish the line, gathered a group of 10 men, organized them, and led them into the gap, encountered an enemy patrol coming through, charged and drove them out, reestablished the line, and held it under a heavy machine-gun fire until reinforcements arrived. During this action he and a majority of his men were wounded, and some of the latter killed, but their heroic action prevented the enemy from inflicting heavy losses by flanking fire.

Charles C. Conaty: Near Crezancy, France, July 16, 1918. Residence, Taunton, Mass.; born, Taunton, Mass.; General Orders, No. 99, War Department, 1918. First Lieutenant, chaplain, Eleventh Infantry, Twenty-eighth Division. Without regard for his personal safety, Chaplain Conaty, under intense shell fire following the attack of his troops from Crezancy to the Marne River, attended the wounded and throughout the night searched and assisted in carrying wounded to the dressing station.

John W. Cousins: Near Conflans, France, November 2, 1918. Residence, New Haven, Conn.; born, New Haven, Conn.; General Orders, No. 15, War Department, 1919. First Lieutenant, Infantry, observer, Ninety-first Aero Squadron, Air Service. In the course of a photographic mission of a particularly dangerous character he and his pilot were attacked by a superior number of enemy pursuit planes. During the combat that ensued, with remarkable coolness and excellent shooting, he destroyed one of the attacking machines. Notwithstanding that the enemy aircraft continued to attack and harass them, Lieutenant Cousins and his pilot reached all their objectives and returned to our lines with photographs of great military importance.

George S. Crabbe: Near Clerges, France, July 31, 1918. Residence, Saginaw, Mich.; born, Saginaw, Mich.; General Orders, No. 64, War Department, 1919. First Lieutenant, One hundred and twenty-fifth Infantry, Thirty-second Division. While advancing with his company he wrenched his leg severely in the crossing of the Ourcq River, but continued in the advance. Later he was severely wounded by machine-gun bullets in the left thigh, but again refused evacuation, and continued in command of his company until the objective had been reached and the position consolidated, remaining nine hours with his company after having been wounded.

James Cross: Near St. Souplet, France, October 15, 1918. Residence, Helenwood, Tenn.; born, Huntsville, Tenn.; General Orders, No. 74, War Department, 1919. Second Lieutenant, One hundred and eighth Infantry, Twenty-seventh Division. Accompanied by four soldiers, Lieutenant

Cross made a reconnaissance of the River La Salle, the journey being under constant heavy machine-gun fire. To secure the desired information it was necessary to wade the stream for the entire distance. On the following evening Lieutenant Cross tapped the line from which his regiment would launch their attack, and in the battle that followed he was severely wounded.

Howard Hubber Davis: In Templeux Quarries, France, January 8, 1918. Residence, Cleveland, Ohio; born, Cleveland, Ohio; General Orders, No. 138, War Department, 1918. First Lieutenant, Medical Corps, attached to Twelfth Sherwood Foresters, British Army. He entered a dugout which had been caved in by enemy shell fire and ministered to the wounded. Although the dugout was under heavy shell fire, he performed an operation for amputation of a leg and thereby saved a soldier's life.

Charles W. Drew: Near Flirey, France, August 15, 1918. Residence, Philadelphia, Pa.; born, Rochester, N. Y.; General Orders, No. 15, War Department, 1926. First Lieutenant, Thirteenth Aero Squadron, Air Service. Lieutenant Drew operated one of a patrol of four machines which attacked four enemy battleplanes. In the fight which followed he attacked in succession three of the enemy airships, driving one of them out of the battle. He then engaged another machine at close range and received 10 bullets in his own plane, one of which penetrated his radiator, while another pierced his helmet. In spite of this he followed the German plane to a low altitude within the enemy's lines and shot it down in flames. During the latter part of the combat he courageously refused to abandon the fight, although he had become separated from his companions, and his engine had become so hot, because of the leak in his radiator, that there was imminent danger of its failing him at any moment.

Luther E. Ellis: In Bois-d'Ormont, France, October 23, 1918. Residence, Montpelier, Ind.; born, Butler, Ky.; General Orders, No. 133, War Department, 1919. Captain, One hundred and second Infantry, Twenty-sixth Division. He personally led his company against a strongly held enemy machine-gun position. During the advance he was shot through the lung. When wounded, his men halted to render first aid, but he ordered them forward. His example of gallantry contributed greatly to the success of the attack.

Nathaniel Watson Ellis: Near Montbrechain, France, October 7, 1918. Residence, Tellico Plains, Tenn.; born, Elizabeth, Tenn.; General Orders, No. 46, War Department, 1919. First Lieutenant, One hundred and seventeenth Infantry, Thirtieth Division. When his company was held up by sweeping machine-gun fire Lieutenant Ellis rushed forward alone, in the face of direct machine-gun fire, to an enemy machine-gun nest 60 yards in advance of his platoon, and by the effective use of his pistol killed five of the enemy and captured 26 prisoners, together with the machine gun. Although he had been seriously wounded in two places while advancing, he held the position until his platoon came up.

William J. Farrell: At Seicheprey, France, April 20, 1918. Residence, Dorchester, Mass.; born, Boston, Mass.; General Orders, No. 49, War Department, 1922. First Lieutenant, chaplain, One hundred and fourth Infantry, Twenty-sixth Division. With great gallantry and with utter disregard for his own danger, he personally conducted an ambulance from the battalion command post to the position of a supporting battery, where he assisted in the evacuation of the wounded. At Ville-devant, Chaumont, France, November 9, 1918, when informed that one of the men of his battalion had been mortally wounded, Chaplain Farrell, in spite of extremely heavy artillery and flanking machine-gun fire, made his way by running and crawling from shell hole to shell hole until he reached the dying soldier to whom he gave the last rites of his church and with whom he remained until the soldier died.

John Vincent Flood: Near Badonvillers, France, June 24, 1918. Residence, New York, N. Y.; born, New York, N. Y. General Orders, No. 24, War Department, 1920. Second Lieutenant, Three hundred and eighth Infantry, Seventy-seventh Division. After being severely wounded he continued to direct his platoon with great courage and determination.

Charles M. Fox: Near Bantheville, France, October 26, 1918. Residence, Chicago, Ill.; born, Stinesville, Ill.; General Orders, No. 66, War Department, 1919. Captain, Medical Corps, attached to Three hundred and fifty-third Infantry, Eighty-ninth Division. Although he was suffering from the effects of gas, Captain Fox maintained his battalion dressing station under a terrific bombardment of gas and high explosive shells, which had almost demolished his station, continuing to care for the wounded and refusing to be evacuated until blindness rendered him unable to work.

Joseph W. Gray: In Romagne, France, October 18, 1918. Residence, Titusville, Pa.; born, Titusville, Pa.; General Orders, No. 37, War Department, 1919. First Lieutenant, Seventh Engineers, Fifth Division. Although wounded, he personally supervised the construction of a bridge under severe artillery and direct machine-gun fire, thereby making it possible for the Infantry and Artillery to advance to more advantageous positions.

Reuben G. Hamilton: Near Marcheville, France, September 25 and 26, 1918. Residence, Carlisle, S. C.; born, Herbert, S. C.; General Orders, No. 138, War Department, 1918. Major, Medical Corps, head-

quarters ambulance section, One hundred and first Sanitary Train, Twenty-sixth Division. He established and maintained an ambulance dressing station in an advanced and hazardous position, where he labored unceasingly treating and evacuating the wounded throughout the day, in full view of the enemy and under heavy bombardment. Knowing that our troops were withdrawing and the enemy was about to enter the town, he continued his aid to the wounded, even after permission to withdraw had been given him by his commanding officer.

James W. Hanbery: At Chateau-Thierry, France, July 19, 1918. Residence, Pittsburg, Kans.; born, Hopkinsville, Ky.; General Orders, No. 31, War Department, 1922. First lieutenant, Fifty-ninth Infantry, Fourth Division. For extraordinary heroism in action at Chateau-Thierry, France, July 19, 1918, in command of the attacking unit of the assault company of his battalion. After gaining his objective, in an advance through heavy machine-gun and artillery fire, the battalion on his left having been held up by enemy machine-gun nests, his company and battalion became exposed to a grazing and flanking fire, which threatened the destruction of the entire battalion. Lieutenant Hanbery reorganized the attacking line and, although wounded, led a brilliant and successful attack against the enemy machine-gun nests until again wounded and rendered helpless, when he refused succor in order not to endanger the lives of his men.

Carl T. Hatch: Near Nantillois, France, October 4, 1918. Residence, Baltimore, Md.; born, St. Albans, Vt.; General Orders, No. 37, War Department, 1919. Second lieutenant, Three hundred and seventeenth Infantry, Eightieth Division. Seriously wounded in both knees while leading his platoon against German machine-gun nests, Lieutenant Hatch declined to be evacuated, but remained in command of his platoon for nine hours until it was relieved.

Courtney S. Henley: North of the Somme-St. Juvin Road, France, October 11, 1918. Residence, Birmingham, Ala.; born, Birmingham, Ala.; General Orders, No. 105, War Department, 1919. Captain, Three hundred and twenty-seventh Infantry, Eighty-second Division. Captain Henley led a party of three enlisted men in an attack on an enemy machine-gun position which was doing considerable damage to our forces. Under intense hostile fire his attack drove the enemy gunners from the machine-gun nest.

William Harris Howard: South of Soissons, France, July 18-19, 1918. Residence, Lockport, Ill.; born, Lockport, Ill.; General Orders, No. 139, War Department, 1918. First lieutenant, Ninth Infantry, Second Division. He conspicuously distinguished himself by his gallant actions in leading his platoon through two fierce attacks. By his splendid example in facing enemy fire, his platoon fought with the same qualities and succeeded in routing the enemy until the final objective was reached. His personal disregard of life consequence to himself under terrific shell fire was noted at all times by his men along the line. He was wounded just before his objective was reached.

Lee S. Hultzen: Near Vieville-en-Haye, France, September 26, 1918. Residence, Norwich, N. Y.; born, Burlington Flats, N. Y.; General Orders, No. 26, War Department, 1919. First lieutenant, Three hundred and eleventh Infantry, Seventy-eighth Division. After reaching his objective with a platoon of about 15 men, Lieutenant Hultzen organized his platoon and held it with three captured German machine guns. He cleaned out a "pill box" and attacked a dozen of the enemy with practically no assistance.

Horatio N. Jackson: Near Montfaucon, France, September 26-29, 1918. Residence, Burlington, Vt.; born, Canada; General Orders, No. 37, War Department, 1919. Major, Medical Corps, attached to Three hundred and thirteenth Infantry, Seventy-ninth Division. Constantly working in the face of heavy machine-gun and shell fire, he was most devoted in his attention to the wounded, always present in the line of advance, directing the administering of first aid, and guiding the work of litter bearers. He remained on duty until severely wounded by high-explosive shells, when he was obliged to evacuate.

Lamar Jeffers: Near St. Juvin, France, October 11, 1918. Residence, Anniston, Ala.; born, Anniston, Ala.; General Orders, No. 46, War Department, 1919. Captain, Three hundred and twenty-sixth Infantry, Eighty-second Division. On the night of October 10 Captain Jeffers reconnoitered a badly damaged bridge, and early in the morning of the 11th he supervised its repair, being continuously under an intense machine-gun fire. He later led the leading company of the battalion over this bridge and across an open level terrain, where all of his officers and almost two-thirds of his men became casualties and he himself was seriously wounded. He continued to lead his company forward, however, until he fell, shot through the jaw with a machine-gun bullet.

Frank Johnstone Jervy: Near Les Franquettes Farm, France, July 23, 1918. Residence, Charleston, S. C.; born, Summerville, S. C.; General Orders, No. 32, War Department, 1919. Captain, Fourth Infantry, Third Division. Although wounded five times when his company was suddenly fired upon by machine guns while crossing an open field, Captain Jervy remained in command of his company until he became unconscious.

Howard C. Knotts: Near Arieux, France, September 17, 1918. Residence, Carlinville, Ill.; born, Guard, Ill.; General Orders, No. 19, War

Department, 1921. Second lieutenant, Seventeenth Aero Squadron, Air Service. During a patrol flight 5 American planes were attacked by 20 enemy Fokkers. During the combat, when Lieutenant Knotts saw one of his comrades attacked by seven enemy planes and in imminent danger of being shot down, he, although himself engaged with the enemy, went to the assistance of his comrade and attacked two of his immediate pursuers. In the fight which ensued he shot one of the enemy down in flames and forced the other out of control. His prompt act enabled his comrade to escape destruction, although his comrade's plane was so disabled that he made the Allied lines with difficulty, crashing as he landed.

Fred Kochli: Near Montfaucon, France, September 27, 1918. Residence, Alliance, Ohio; born, Alliance, Ohio; General Orders, No. 68, War Department, 1920. First lieutenant, One hundred and forty-sixth Infantry, Thirty-seventh Division. Lieutenant Kochli, with 2 noncommissioned officers, advanced 200 yards beyond the objective of the patrol in the face of heavy machine-gun fire and captured three 77-millimeter field pieces and 2 light machine guns.

Wilbur F. Leitzell: Near Apremont, France, October 1, 1918. Residence, State College, Pa.; born, Scottdale, Pa.; General Orders, No. 72, War Department, 1920. Captain, One hundred and seventh Machine Gun Battalion, Twenty-eighth Division. Captain Leitzell exposed himself to heavy fire in order to place his machine guns in action against an enemy counterattack. Due to his initiative and gallantry the enemy attack was repulsed without the aid of supporting Infantry. Later, the commander of arriving Infantry support being wounded, Captain Leitzell took command of the Infantry and led them to their positions. While in the performance of this act he was seriously wounded.

Reuben M. Levy (2263302): Near Very, France, September 26, 1918. Residence, Placerville, Calif.; born, Vallejo, Calif.; General Orders, No. 72, War Department, 1920. Second lieutenant, Company B, Three hundred and sixty-third Infantry, Ninety-first division. After the advance of his platoon had been held up by machine-gun fire, Sergeant (Second Lieutenant) Levy, with one other man, attacked one machine gun and put it out of action. This act resulted in the enemy abandoning two other machine guns and permitted the advance of his platoon.

Harry B. Liggett: Near Bois-de-Chaume, France, October 10, 1918. Residence, Freeport, Ill.; born, Broadhead, Wis.; General Orders, No. 44, War Department, 1919. Second lieutenant, One hundred and twenty-second Machine Gun Battalion, Thirty-third Division. Leading his platoon, under heavy shell and machine-gun fire, Lieutenant Liggett launched an attack on two enemy machine-gun nests. Accompanied by one soldier, he silenced the fire from one nest with rifle fire, and directed the fire of his platoon so that the other nest was destroyed. He was severely wounded in this action.

David W. Lillard: Near Ponchaux, France, October 7, 1918. Residence, Etowah, Tenn.; born, Decatur, Tenn.; General Orders, No. 81, War Department, 1919. Captain, One hundred and seventeenth Infantry, Thirtieth Division. Severely wounded in the side when an enemy machine-gun bullet struck and exploded two clips of shells in his magazine pouch, Captain Lillard struggled to his feet and directed the further advance of his company. For six hours he remained in command of his company, issuing orders from a shell hole under the most intense fire. During part of this period he was practically unconscious and was suffering severe pain, but he nevertheless successfully accomplished the organization of his company's position.

Arthur F. McKeogh: Near Binarville, France, September 29, 1918. Residence, New York, N. Y.; born, Troy, N. Y.; General Orders, No. 15, War Department, 1921. First lieutenant, Three hundred and eighth Infantry, Seventy-seventh Division. In order to obtain ammunition and rations Lieutenant McKeogh, accompanied by two enlisted men, attempted to reestablish communication between battalion and regiment headquarters. When night came they lay over three hours undetected. Finally discovered, they made a dash to escape, and Lieutenant McKeogh, in order to protect his men, deliberately drew the enemy fire upon himself. He succeeded, however, in getting through the enemy lines, delivered his message, and effected the reestablishment of communication.

Norbert W. Markus: Near Soissons, France, July 19, 1918. Residence, Quincy, Ill.; born, Quincy, Ill.; General Orders, No. 126, War Department, 1918. Second lieutenant, Third Machine Gun Battalion, First Division. After the entire personnel of the machine-gun squad under his command had been killed or disabled and when he himself was severely wounded near Soissons, France, July 19, 1918, he kept up the operation of his gun and refused to be taken to the rear when relieved until he had been carried to his company commander and had given the latter valuable information.

Marvin James Menefee: At Molleville Farm, France, October 12, 1918. Residence, Luray, Va.; born, Covington, Va.; General Orders, No. 44, War Department, 1919. First lieutenant, One hundred and sixteenth Infantry, Twenty-ninth Division. While in charge of a 37-millimeter gun section in advance of the assaulting troops Lieutenant Menefee displayed unusual courage by operating the gun himself after his gunners had been killed, thereby reducing a machine-gun nest which had been holding up the line.



William D. Meyering: Near Riga, France, April 6, 1918. Residence, Chicago, Ill.; born, Chicago, Ill.; General Orders, No. 59, War Department, 1918. First lieutenant, Twenty-third Infantry, second division. While commanding a platoon of Infantry it was attacked by the enemy on the morning of April 6, 1918. He took effective measures before and during the attack to defeat the enemy and handled his men well, under fire, until he was seriously wounded. Forced to attend to his wound, he refused assistance and walked through the enemy's barrage to a dressing station. He objected to being taken to the rear till he knew the outcome of the attack. His brave example inspired his men to drive off the enemy, who did not reach our trenches. He lost his right hand by amputation as the result of the wound.

John E. Morpew (2216646): In the offensive against the St. Mihiel salient, France, September 12, 1918. Residence, Trousdale, Okla.; born, Gillham, Ark.; General Orders, No. 128, War Department, 1918. Second lieutenant, Company C, Three hundred and fifty-seventh Infantry, Ninetieth Division. This soldier showed utter fearlessness and bravery of a high order throughout the drive. He took two machine-gun nests single handed, in both cases killing the gunners and taking the other members of the crews prisoners. He took 35 prisoners during the first day, entering dugouts alone and disarming the occupants.

Alexander L. Nicol: Near Juivigny, north of Soissons, France, August 30, 1918. Residence, Sparta, Wis.; born, Sparta, Wis.; General Orders, No. 116, War Department, 1919. First lieutenant, One hundred and twenty-eighth Infantry, Thirty-second Division. After being severely wounded, Lieutenant Nicol directed the orderly retirement of his company and organized it under heavy fire of artillery and machine guns. At great personal risk he made several trips forward to bring in wounded men. Throughout the entire action he fearlessly exposed himself to fire in order to encourage and cheer his men. His energetic and faithful work furnished an example of calmness and courage to the men under his command.

William T. Nimmo (60828): Near Bois-de-St. Remy, France, September 12, 1918. Residence, Waltham, Mass.; born, St. Albans, Vt.; General Orders, No. 46, War Department, 1919. Second lieutenant (sergeant) Company G, One hundred and first Infantry, Twenty-sixth Division. During the drive across the St. Mihiel salient he led a group of 25 men through a severe machine-gun fire and into the woods occupied by the enemy. There he charged a machine-gun nest single handed and captured the gun. The gun crew attempted to escape by entering a nearby dugout, but Sergeant (Lieutenant) Nimmo followed them into the dugout alone and captured the entire crew.

Frederick W. McL. Patterson: Near Nantillois, France, October 28-29, 1918. Residence, Pittsburgh, Pa.; born, England; General Orders, No. 15, War Department, 1921. Major, Three hundred and fifteenth Infantry, Seventy-ninth Division. After being severely wounded in the left leg, he continued throughout the night to exercise command of his battalion at a critical time. He refused medical aid until the morning of the 29th and was evacuated by order of the regimental commander.

Jim Quinn: Near Soissons, France, July 18, 1918. Residence, Memphis, Tenn.; born Mayfield, Ky.; General Orders, No. 100, War Department, 1918. Second lieutenant, Twenty-eighth Infantry, First Division. With a small platoon he attacked and captured a fortified French farmhouse in an open field. He so courageously and skillfully handled his men that this German strong point, held by 100 men and 5 machine guns, was promptly captured.

Brazilla Carroll Reece: In the Bois d'Ormont, France, October 23-28, 1918. Residence, Butler, Tenn.; born, Butler, Tenn. General Orders, No. 46, War Department, 1919. Distinguished service medal also awarded. First lieutenant, One hundred and second Infantry, Twenty-sixth Division. In leading his company through four successful actions he was twice thrown violently to the ground and rendered unconscious by bursting shells, but upon recovering consciousness he immediately reorganized his scattered command and consolidated his position. On several occasions, under heavy enemy machine-gun fire, he crawled far in advance of his front line and rescued wounded men who had taken refuge in shell holes.

William G. Reynolds: Near St. Etienne, France, October 4, 1918. Residence, Berryville, Va.; born, Kingston, Pa. General Orders, No. 46, War Department, 1919. Captain, Twenty-third Infantry, Second Division. After Captain Reynolds had been severely wounded by a shell he managed by a supreme effort to regain sufficient consciousness to acquaint his successor with the necessary information for the continuance of the struggle. His courage, under such great agony, set a most wonderful example for his men.

Walter A. Richards: Near St. Juvin, France, October 11, 1918. Residence, Clifton Station, Va.; born, Washington, D. C. General Orders, No. 46, War Department, 1919. First lieutenant, Three hundred and twenty-sixth Infantry, Eighty-second Division. Leading his platoon in attack, Lieutenant Richards was subjected to fierce and devastating fire of enemy artillery and machine guns. Although he, himself, was wounded and 90 per cent of his platoon made casualties, he continued to press forward until he was felled by machine-gun fire after reaching the foremost position of the entire action.

Alan Rogers: Near La Pallette Pavillon, France, October 4, 1918. Residence, New York, N. Y.; born, New York, N. Y.; General Orders,

No. 81, War Department, 1919. Second lieutenant, Three hundred and seventh Infantry, Seventy-seventh Division. Having taken command of his company after the company commander and second in command had been wounded, Lieutenant Rogers personally undertook a reconnaissance of the front line. Crawling forward alone under intense rifle and machine-gun fire for 200 yards to within 30 yards of an enemy machine-gun nest, he was seriously wounded in the knee, but applying a tourniquet to his leg he succeeded in crawling back to his company. Here he resumed command, and though suffering intense pain, gave instructions for repelling an expected counterattack, directing that no man be taken from the firing line to carry him to the rear. For seven hours after being wounded he remained with his command, inspiring his men by his fortitude and courage.

Theodore Rosen: In the Grande Montagne sector, north of Verdun, November 4, 1918. Residence, Philadelphia, Pa.; born, Carmel, N. J.; General Orders, No. 19, War Department, 1920. First lieutenant, Three hundred and fifteenth Infantry, Seventy-ninth Division. While on a reconnaissance with two other officers, Lieutenant Rosen drew fire from a machine-gun nest in order to allow the other two officers to escape. A few minutes later he and two runners were sent into the Bois d'Etraye in order to locate the left flank. Lieutenant Rosen again came under close-range fire of the enemy. The runner, who was some yards in rear, escaped, but Lieutenant Rosen, who had been terribly wounded by a hand grenade, unable to move or resist by further fighting, was taken prisoner.

Clarence C. Schide: Near Bois d'Ormont, France, October 12, 1918. Residence, Mason City, Iowa; born, Charles City, Iowa; General Orders, No. 26, War Department, 1919. Second lieutenant, One hundred and fourteenth Infantry, Twenty-ninth Division. Although severely wounded, Lieutenant Schide continued to lead his platoon over open ground and subjected to heavy artillery and machine-gun fire until he received a second wound, which necessitated his removal from the field in a critical condition.

Harry Hodges Semmes: Near Xivray, France, September 12, 1918. Residence, Washington, D. C.; born, Washington, D. C.; General Orders, No. 35, War Department, 1919. Captain, Tank Corps. During the operations along the Rupt de Mad, Captain Semmes's tank fell into the water and was completely submerged. Upon escaping through the turret door and finding that his driver was still in the tank, he returned and rescued the driver under machine-gun fire. Oak-leaf cluster. For the following act of extraordinary heroism in action near Vauquois, France, September 26, 1918, Captain Semmes is awarded an oak-leaf cluster to be worn with the Distinguished Service Cross: He left his tank under severe rifle fire and personally reconnoitered a passage for his tank across the German trenches, remaining dismounted until the last tank had passed. While so engaged, he was severely wounded.

James J. Sheeran: Near Chateau-Thierry, France, June 6, 1918. Residence, Chicago, Ill.; born, Chicago, Ill.; General Orders, No. 99, War Department, 1918. First lieutenant, Twenty-third Infantry, Second Division. After being severely wounded, near Chateau-Thierry, France, June 6, 1918, he displayed remarkable fortitude and exemplary poise by continuing to direct the operation of his platoon under violent machine-gun fire.

Grant Shepherd: At Soissons and Chateau-Thierry, France, June and July, 1918. Residence, Washington, D. C.; born, Washington, D. C.; General Orders, No. 89, War Department, 1919. Captain, Twenty-third Infantry, Second Division. After being so seriously gassed as to be rendered temporarily so blind that he had to be led by hand through his trenches, he refused to be evacuated, nevertheless, visiting all portions of his trenches to encourage his troops to hold at a most critical stage in the operations. Commanding his company in the Soissons-Reims offensive, he advanced over the top in front of his company, personally engaging machine-gun nests with his men until he was so severely wounded by the explosion of a shell as to render him a cripple for the rest of his life.

Charles L. Sheridan: On Hill 230, near Cierges, France, July 31 and August 1, 1918. Residence, Bozeman, Mont.; born, Marshalltown, Iowa; General Orders, No. 124, War Department, 1918. Captain, One hundred and twenty-eighth Infantry, Thirty-second Division. He demonstrated noble courage and leadership by taking command of the remnants of two companies and leading them up the hill and into the woods against violent fire from the enemy. His grit and leadership inspired his men to force the enemy back. He personally shot and killed three of the enemy, and under his direction six machines were put out of action and the hill captured.

Roy F. Shupp: Near Gland, France, July 21, 1918. Residence, New Bern, N. C.; born, Kresgeville, Pa.; General Orders, No. 35, War Department, 1919. First lieutenant, Fourth Infantry, Third Division. After crossing the Marne, with the leading platoon of his company, Lieutenant Shupp, with two companions, made a surprise attack on an enemy machine-gun emplacement and succeeded in taking one gun and eight prisoners.

Charles N. Sissons: Near Cornay, France, October 9, 1918. Residence, Jacksonville, Ala.; born, Jacksonville, Ala.; General Orders, No. 15, War Department, 1919. Captain, Three hundred and twenty-eighth Infantry, Eighty-second Division. When the advance was checked on

the outskirts of Cornay because of the exhaustion of the troops and the machine-gun fire from the town, Captain Sisson, who had been in action several hours, took charge without orders, and started two patrols into the town. One was driven back by the machine-gun fire, but this gallant officer personally led the other and succeeded in capturing 2 machine guns and their crews, and 112 prisoners, completely cleaning out the town. Throughout this operation he displayed great bravery and coolness under the most trying circumstances.

Howard G. Smith: In Bois-de-Romagne, France, October 15, 1918. Residence, East Lansing, Mich.; born, Cleveland, Ohio; General Orders, No. 15, War Department, 1919. First Lieutenant, One hundred and sixty-eighth Infantry, Forty-second Division. He was wounded early in the engagement, but he declined to be evacuated, although he was suffering much pain. He brilliantly led his platoon in a charge on four machine guns, which he captured, together with many prisoners, and was instrumental in clearing the Bois-de-Romagne of the enemy under terrific machine-gun fire. Throughout the action his leadership, courage, and determination inspired the greatest confidence. When he was partly overcome by the loss of blood he volunteered to guide 60 prisoners back over a shell-swept area, and refused medical treatment until the prisoners were delivered at battalion headquarters.

Lorillard Spencer: In the Champagne sector, France, September 26, 1918. Residence, New York, N. Y.; born, New York, N. Y.; General Orders, No. 37, War Department, 1919. Major, Three hundred and sixty-ninth Infantry, Ninety-third Division. Commanding a battalion which was in action for the first time, Major Spencer inspired his men by his own coolness and courage under intense machine-gun fire. He continually exposed himself without regard for personal safety until he was wounded six times.

Edward J. Stackpole, Jr.: Near Baslieux, France, August 24, 1918. Residence, Harrisburg, Pa.; born, Harrisburg, Pa.; General Orders, No. 71, War Department, 1919. Captain, One hundred and tenth Infantry, Twenty-eighth Division. Directed to advance to a new position, he led his men forward with great gallantry. Although painfully wounded in the back and leg by shell fragments, he remained on duty with his men, inspiring them by his courage and coolness to hold a difficult position against repeated attacks by the enemy in force for a period of 24 hours.

Edwin R. Stavrum: West of Chateau-Thierry, France, June 6, 1918. Residence, La Crosse, Wis.; born, La Crosse, Wis.; General Orders, No. 27, War Department, 1920. First Lieutenant, Twenty-third Infantry, Second Division. Lieutenant Stavrum was severely wounded in the left shoulder during the first phase of the attack. In spite of his wound he conducted his platoon to its objective and exposed himself to heavy fire in order to organize his position for defense.

Maurice S. Stevenson: Near Exermont, France, October 9, 1918. Residence, Kansas City, Mo.; born, Milwaukee, Wis.; General Orders, No. 128, War Department, 1918. Second Lieutenant, Sixteenth Infantry, First Division. He displayed splendid devotion to duty by twice passing through a terrific artillery and machine-gun barrage in order to transmit important orders from his brigade commander to the assaulting battalion, and while in the performance of such duty was seriously wounded, but refused to be evacuated before he had made his report.

Ralph N. Summerton (1248643): Near Chatel-Chehery, France, October 6, 1918. Residence, Tidioute, Pa.; born, Tidioute, Pa.; General Orders, No. 130, War Department, 1918. Second Lieutenant (sergeant), Company L, One hundred and twelfth Infantry, Twenty-eighth Division. Sergeant Summerton, having on his body several aggravated wounds from an enemy grenade and being tagged for evacuation for these, as well as for grippe, when assured that his company was about to attack Chatel-Chehery and that it had lost all its officers, went back to his company and courageously and skillfully led it as the first wave, and while so doing was again wounded.

Charles K. Templeton: Near Nouart, France, November 5, 1918. Residence, Chicago, Ill.; born, Superior, Nebr.; General Orders, No. 37, War Department, 1919. Second Lieutenant, One hundred and twenty-second Field Artillery, Thirty-third Division. After telephone communications had been destroyed and his runners scattered on other missions Lieutenant Templeton started on his mission of extreme importance from the Infantry to the Artillery. His path lay through a heavy machine-gun and shell fire, and before he reached his destination he was seriously wounded. He succeeded, however, in relaying his message to its destination.

Alexander W. Terrell: Near Pexonne, France, March 5, 1918. Residence, Forth Worth, Tex.; born, Boonville, Mo.; General Orders, No. 139, War Department, 1918. Second Lieutenant, One hundred and fifty-first Field Artillery, Forty-second Division. He showed unusual courage in assisting to direct the operations of Battery C, One hundred and fifty-first Field Artillery, near Pexonne, France, on March 5, 1918, when that organization was under particularly accurate artillery bombardment. Although wounded himself he refused first aid and continued on duty until all of the wounded soldiers of the command had been treated.

Zebulon B. Thornburg: Near Montbrehain, France, October 8-16, 1918. Residence, Concord, N. C.; born, Cabarrus County, N. C.; General Orders, No. 37, War Department, 1919. First Lieutenant, One

hundred and eighteenth Infantry, Thirtieth Division. Although he was severely wounded on October 8 to such an extent that eating was impossible he remained as second in command until the night of October 16, when he was again wounded during an advance by his company.

Charles H. Tilghman: Near Nantillois, France, September 28, 1918. Residence, Easton, Md.; born, Baltimore, Md.; General Orders, No. 81, War Department, 1919. Captain, Three hundred and fifteenth Infantry, Seventy-ninth Division. After having been wounded in the head by a piece of high-explosive shell, which slightly fractured his skull and rendered one eye useless, Captain Tilghman insisted on remaining with his command. Throughout the night of constant rain and continual gas attacks he encouraged his demoralized troops, remaining with them until evacuated on the following morning.

William H. Vail: At Stenay, France, November 6, 1918. Residence, Chicago, Ill.; born, Chicago, Ill.; General Orders, No. 37, War Department, 1919. First Lieutenant, pilot, Ninety-fifth Aero Squadron, Air Service. Lieutenant Vail, while on patrol, engaged four hostile pursuit planes which were about to attack an accompanying plane. Almost immediately he was attacked by five more enemy planes, all of which he continued to fight until he was severely wounded and his plane disabled. He glided to the ground, abandoning the fight only when his machine fell to pieces near the ground.

James A. Vincent: Near Eclisfontaine, France, September 27, 1918. Residence, Berkeley, Calif.; born, Davenport, Iowa; General Orders, No. 37, War Department, 1919. First Lieutenant, Six hundred and thirty-sixth Infantry, Ninety-first Division. Returning to the company after being treated for a very severe wound in the neck he commanded his platoon, which had been ordered to fall back because of a violent barrage. He volunteered and went forward to the aid of two enlisted men of his platoon who had been seriously wounded. While performing this duty he was again wounded in the knee, but worked his way back to the dressing station and from there walked a distance of 4 kilometers to the field hospital.

Richard J. Walsh: Near Marg, France, October 18, 1918. Residence, Philadelphia, Pa.; born, New York, N. Y.; General Orders, No. 44, War Department, 1919. First Lieutenant, Dental Corps, attached to Three hundred and third Engineers, Seventy-eighth Division. Voluntarily acting as battalion medical officer, Lieutenant Walsh, although severely gassed, administered first aid to injured men under heavy shell fire. He worked constantly until all the wounded were removed to places of safety.

Edward R. Warren: Near Fey-en-Haye, France, September 12, 1918. Residence, El Paso, Tex.; born, San Antonio, Tex.; General Orders, No. 128, War Department, 1918. First Lieutenant, Three hundred and fifteenth Engineers, Ninetieth Division. He was in command of a platoon of engineers and went over the top with the second wave of the Infantry. When the first wave was halted by severe machine-gun and shell fire early in the action and all its officers killed or disabled, he led his men up to the first wave, reorganized the remaining effectives, and led them across a valley and up a hill through severe flanking fire from German machine guns. He was knocked down by the explosion of a shell, but, undaunted by murderous fire from the front and both flanks, he continued to lead his men on toward their objectives until he was shot down by a machine gun.

Herbert W. Whisenant: Near Soissons, France, July 18, 1918. Residence, Austin, Tex.; born, Kyle, Tex.; General Orders, No. 44, War Department, 1919. Second Lieutenant, Sixteenth Infantry, First Division. While advancing with this platoon, Lieutenant Whisenant, after he was so severely wounded that he was unable to continue, so encouraged and inspired his men that they won a decided victory and captured many men and guns. His wound resulted in the loss of a leg.

Richard G. White: Near Soissons, France, July 18, 1918. Residence, Charleston, S. C.; born, Marion, S. C.; General Orders, No. 15, War Department, 1919. First Lieutenant, Sixteenth Infantry, First Division. He led his platoon through intense machine-gun and artillery fire, destroying machine guns that were causing heavy losses on an exposed flank and remaining in command of his platoon until twice severely wounded.

Merritt B. Wilson: Near Reddy Farm, France, August 2, 1918. Residence, Menominee, Mich.; born, Menominee, Mich.; General Orders, No. 64, War Department, 1919. First Lieutenant, One hundred and twenty-fifth Infantry, Thirty-second Division. With a party of 30 men he led the advance on the Bois Chenet, where a full company of Germans, supported by machine guns, were encountered. Due to his splendid leadership and example this resistance was overcome and the woods were taken. Although suffering great pain from a broken eardrum, caused by the explosion of a shell, Lieutenant Wilson immediately led his party to the flank of the battalion, where numerous attempts of the enemy to retake the woods were repulsed. He refused to leave his company for first aid until darkness had brought an end to the advance.

Alan F. Winslow: In the Toul sector, France, June 6, 1918. Residence, River Forest, Ill.; born, River Forest, Ill.; General Orders, No. 121, War Department, 1918. Second Lieutenant, Ninety-fourth Aero



Squadron, Air Service. While on a patrol, consisting of himself and two other pilots, he encountered an enemy biplane at an altitude of 4,000 meters near St. Mihiel, France. He promptly and vigorously attacked, and, after a running fight extending far beyond the German lines, shot his foe down in flames near Thiacourt.

David J. Winton (9604): Near Exermont, France, October 4, 1918. Residence, Minneapolis, Minn.; born, Warsaw, Wis.; General Orders, No. 59, War Department, 1919. Second lieutenant (sergeant) Company C, Three hundred and forty-fifth Battalion, Tank Corps. Sergeant Winton ran his tank into the woods to reduce a machine-gun nest, but it was hit and set on fire. He and the driver were wounded as they left the tank, but advanced on the nest and were both wounded the second time. While attempting to reach his companion, who had been hit the third time, Sergeant Winton was again wounded, but reached the driver. They then took cover and remained until darkness, when Sergeant Winton made his way back to our lines, being hit three more times while returning.

Jesse Walton Wooldridge: East of Chateau-Thierry, France, July 15, 1918. Residence, San Francisco, Calif.; born, Hopkinsville, Ky.; General Orders, No. 99, War Department, 1918. Distinguished-service medal also awarded. Captain, Thirty-eighth Infantry, Third Division. With rare courage and conspicuous gallantry he led a counterattack against an enemy of five times his own numbers on July 15, 1918, east of Chateau-Thierry, France; 189 men entered this counterattack and 51 emerged untouched. More than 1,000 of the enemy were killed, wounded or taken prisoners.

John F. Woolshlager: Northwest of Grand Pre, France, October 18, 1918. Residence, Castorland, N. Y.; born, Beaver Falls, N. Y.; General Orders, No. 16, War Department, 1920. First Lieutenant, Three hundred and twelfth Infantry, Seventy-eighth Division. In the attack of morning of October 18, Lieutenant Woolshlager was severely wounded, both legs being broken. He nevertheless retained command of his platoon and that of an adjoining platoon. Throughout the day, exposed to heavy machine-gun and artillery fire, he encouraged and directed his men. Due to his efforts the position, gained at great cost, was held against enemy attacks.

#### OLD-AGE PENSIONS

Mr. O'CONNOR of Louisiana. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on House Joint Resolution 278.

The SPEAKER. The gentleman from Louisiana asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

Mr. O'CONNOR of Louisiana. Mr. Speaker and Members of the House, I wish to say a few words in regard to H. R. 6511, a bill to protect labor in its old age, and H. J. Res. 278, a joint resolution appointing a committee of 15 to inquire into the subject of old age dependency in the United States and proper methods of its relief, and to report back its finding within two years.

I am deeply interested in the subject. If I could eradicate poverty and its accompanying misery from the lives of men I would not exchange the proud satisfaction which I should enjoy for all of the triumphs ever decreed to the most successful conqueror. In that I am no different, I suppose, from the most of men. It is upon that assumption that I believe H. R. 6511 should be considered by the Committee on Labor at the next session of Congress and the entire subject matter of that bill canvassed, examined, analyzed, and published, as the first great step in ultimately securing congressional legislation upon the most important subject of human existence. Old-age pensions, in my judgment, is the act which, when performed, will completely justify the present civilization. "What profit a man if he gain the whole world and lose his own soul," and of what value is a civilization that is rich, powerful, and opulent in spots, with degradation, poverty, misery, hopelessness, and the haunting fear the specter of want dogging the footsteps of many men and women in their old age, who, with advancing years, become more and more terrified at the thought that they will not have food, raiment, and shelter in the wintry days before death closes all.

I frankly admit that a good part of my education and experience, which are almost synonymous terms from my standpoint, were gained as a result of my membership in a number of fraternal organizations. As soon as I attained the age of 21 I joined the Knights of Pythias. That order is based upon the inspiring story of the friendship that existed between Damon and Pythias and will last as long as the English language has power to enthrall the ear and command the attention of man. For its ritual, written in the purest and loftiest English, is yet as simple as the language of the Bible, and makes for an indelible impression upon the coldest hearts and the dullest imaginations. That fraternal order has made for the betterment of mankind. Its wonderful story has made men do noble

things, not dream them all the day long, and so made death and that vast forever one grand sweet song, if I may be permitted to slightly alter Kingsley's immortal words so as to fit them into this sentence. The fundamentals that are its mudsills and its foundations, friendship, charity, and benevolence are really the support on which rests all of the other great fraternal orders of which I have any knowledge, such as the Elks, Moose, the Woodmen of the World, the Eagles, and the Knights of Columbus, each of which has a ritual which is a liberal education and a declaration of patriotism that attest an unflinching devotion to American institutions and ideals. These fundamental principles, call them by what name you will, go back into the very twilight of man's existence and were the basis on which rested fraternal organizations in the dawn of the history of the world.

In Egypt's celebrated Book of the Dead, written long before Joseph was sold into captivity, and thousands of years before the dawn of Judaism had yet begun, there appear these words:

He hath given bread to the hungry and clothes to the naked; he hath given a boat to the shipwrecked; he hath befriended the widow and the orphan; he hath offered due rights to the gods and honored the dead.

Those lofty sentiments and those ideals would justify the existence of any church in the history of the world and make appealing any religious formula, by whatever name it might pass through the ages. All men are deeply moved, I am sure, by words that convey such a meaning and such a throb as are found in these two stanzas:

Open my eyes to visions girt  
With beauty and with wonder lit  
But never let me forget the dirt  
And all that spawn and die in it.

Open my ears to music; let  
Me thrill with spring's first flutes and drums—  
But never let me dare forget  
The bitter ballads of the slums.

Some of the finest men I know I met through these great, powerful American organizations that are, as it were, in each case an imperium in imperio, and which round out and harmonize, as far as present legal, social, and governmental conditions will permit, the human relations that exist even in our great Republic. In other words, benevolent organizations do for their members that which government can not do in view of the restrictions and restraints placed upon its operations. Governments have not yet reached the point, except in a few instances, where they are willing to take care of the people upon a broad and unlimited scale and guarantee them against want and the terrible fears that go with it, and make for so many specters in the shape of old men and old women who totter and doddle in dread to their graves.

But it must be admitted that we have done many things and created many institutions to help the afflicted. Hospitals, insane asylums, deaf and dumb asylums, institutes for the blind, homes for incurables, and many other similar institutions show that humanity is on the march, and that it is crowning itself with a greater glory than that which could ever be achieved through the construction of great subways, tunnels, wonderful bridges, inspiring skyscrapers, vast cathedrals, universities, and the solemn temples which adorn our educational structure, the great libraries and art galleries that are the outstanding public buildings in every municipality in America. But much remains yet to be done. We are on the march, and men like SMOYICH, torchbearers, are preparing for the great day that still lies ahead, when no man need fear that he and his companions will be without bread to eat or a roof to cover their heads when the storms blow across their lives, for "into each life some rain must fall, some days must be dark and dreary." There are, however, many of the advanced thinkers of this country along fraternal and benevolent lines, such as Frank Herring, of the Fraternal Order of Eagles, a hero in every strife for the uplift of the race, and James J. Davis, present Secretary of Labor, and intrenched in the affections of every member of the Moose order over this country, who believe that we should not attempt to hurry the great movement in behalf of benevolence lest we make the advance a disorderly instead of an orderly one. These really great spirits believe that nothing can happen permanently until the appropriate time arrives for its birth and development, and they both feel, I think, while impressed with the boldness and the vision and the courage of the advance guard, that perhaps it is well to observe and ponder over the wisdom of the maxim, "festina lente," "make haste slowly," and therefore mark time occasionally and then go forward again.

There are many, I think, who believe that H. J. Res. 278 would not accomplish as much as H. R. 6511, under which the

Committee on Labor could hold hearings and give to the world the facts that have already been accumulated and which could be restated in such a manner that the great newspapers of the country which mold and crystallize public opinion, the mighty law that rules the land, would find it attractive and stimulating enough to make for numberless news stories which would pave the way for a fruition of the hopes of those who have through nights of sorrow foreseen the glories of the coming days.

As I understand it from a letter that I have received from a very dear friend who has investigated the subject, a wealth of information is awaiting the committee whenever it undertakes the investigation. I am informed that—

At least two very exhaustive State investigations have been made in regard to old-age pensions, Massachusetts and Pennsylvania. Three nation-wide organizations are studying and issuing propaganda material constantly on the subject of old-age pensions. In this group is the American Association for Old Age Security, whose headquarters address is Room 2004, 104 Fifth Avenue, New York City. One of the activities of the American Association for Labor Legislation, 131 East Twenty-third Street, New York City, is the furtherance of old-age pension legislation. The Independent Order of Eagles has been studying this subject and advocating old-age pensions for a number of years.

A very informative article is in the issue of the American Labor Legislation Review for June, 1927. In 1927 two additional States passed old-age pension laws, Colorado and Maryland, which makes a total of six—Colorado, Maryland, Montana, Nevada, Wisconsin, and Kentucky, and the Territory of Alaska. In Wyoming a bill passed both houses and was vetoed by the governor. In six States—Idaho, Indiana, Nebraska, Texas, Utah, and Washington—such bills succeeded in passing one or the other of the houses. In Washington it was a question of repassing a bill over the governor's veto in 1926. Four States—Arkansas, California, Iowa, and New York—made provisions for an investigation of old-age dependency with a view to such legislation.

The Bureau of Labor Statistics of this department has in its reports and in its files all the information that any such a commission as H. J. Res. 278 proposes could obtain. They have and have published information relative to the pension systems of private corporations. They have all the information in regard to the unions that have established old-age pension systems, such as the bricklayers and masons, bridge and structural iron workers, electrical workers, granite cutters, locomotive engineers, and others.

On the question of old-age retirement I think the following material which has been published in the Monthly Labor Review of the Bureau of Labor Statistics would prove exceedingly valuable to the Committee on Labor should they ever conclude to hold hearings on the subject or publish investigations they may make of their own motion in newspapers where it will prove efficacious, instead of dry reports which are sepulchered on the shelves of rooms that really are vaults for dead books:

January, 1926: Industrial pensions for old age and disability. (Separate.)

June, 1926: Public pensions for aged dependents. (Pp. 1-9.) Bibliograph. Public old age pensions in the United States. (Pp. 238-246.)

August, 1927: Public service retirement systems: Pennsylvania. (Pp. 10-24.)

December, 1927: Public service retirement systems: State employees. (Pp. 30-46.)

January, 1928: Trade-union provision for sick, aged, and disabled members, and for dependents. (Pp. 1-16.)

Public service retirement systems in Great Britain and France. (Pp. 33-42.)

February, 1928: Trade-union old age pensions and homes for the aged and tubercular. (Pp. 1-29.)

Federal employees' retirement act. (Pp. 37-47.)

Public service retirement systems in foreign countries. (Pp. 47-73.)

March, 1928: Public service retirement system of Belgium—a supplementary note. (P. 26.)

April, 1928: Retirement systems for municipal employees. (Pp. 38-43.)

I would also call your attention to an article by Secretary Davis in this month's issue of the North American Review on "Old age at fifty." The National Civic Federation has made two separate investigations of old-age pensions the results of which it has already published.

Let me close by saying that I believe that we should be liberal in meeting the request of the Department of Labor for funds for which to make investigations along the lines of the subject matter of H. J. Res. 278 and H. R. 6511. We want all the light we can get and all the information we can secure upon

this tremendous possibility that has to be faced by so many men and women in moving across the stage of life—the fear of want. In the grand drama of life each and every one must play a part and our colleague Doctor Smovich is one of the principal actors of his generation in carrying to the hearts and minds of his countrymen the truth that civilization must justify itself by a finer fruit than mere material grandeur. "Ye shall know the truth and the truth shall make ye free" will always be upon the lips of the real reformer who desires to promote the interest of his country along benevolent roads. A civilization that can boast of having exercised the demon and evil spirit, poverty and dread, from the household of those whose only fear is that they will suffer want in their old age will endure. No other can survive the constant and steady stroke of remorseless time. All the kingdoms and empires that are buried beneath the sands of centuries were tried in the balance and found wanting. We too shall pass away, perish as a people if we have not the vision to see.

#### BRIDGE ACROSS THE MISSISSIPPI

Mr. DENISON. Mr. Speaker, I ask unanimous consent to take up Calendar No. 682, a bridge bill that I am informed is a matter of emergency.

The SPEAKER. The Clerk will report the bill.

The Clerk read the bill, as follows (H. R. 12235):

H. R. 12235. Seventieth Congress, first session

A bill authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Bettendorf, Iowa, and Moline, Ill.

*Be it enacted, etc.,* That, in order to facilitate interstate commerce, improve the Postal Service, and provide for military and other purposes, B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Mississippi River, at a point suitable to the interests of navigation, at or near Twenty-third Street in Moline, State of Illinois, and at or near Tenth Street in Bettendorf, State of Iowa, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, operation, and maintenance of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, are hereby authorized to fix and charge tolls for transit over such bridge, and the rates of toll so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. After the completion of such bridge, as determined by the Secretary of War, either the State of Illinois, the State of Iowa, any public agency or political subdivision of either of such States, within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation or expropriation, in accordance with the laws of either of such States governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of 20 years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interests in real property; (3) actual financing and promotion costs, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interests in real property; and (4) actual expenditures for necessary improvements.



SEC. 5. If such bridge shall at any time be taken over or acquired by the States or public agencies or political subdivisions thereof, or by either of them, as provided in section 4 of this act, and if tolls are thereafter charged for the use thereof, the rates of toll shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 6. The said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, shall, within 90 days after the completion of such bridge, file with the Secretary of War and with the Highway Departments of the States of Illinois and Iowa a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and upon request of the highway department of either of such States shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge; for the purpose of such investigation the said B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; and J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, shall make available all of its records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 4 of this act, subject only to review in a court of equity for fraud or gross mistake.

SEC. 7. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 8. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

Amend the title so as to read: "A bill authorizing B. F. Peek, G. A. Shallberg, and C. I. Josephson, of Moline, Ill.; J. W. Bettendorf, A. J. Russell, and J. L. Hecht, of Bettendorf and Davenport, Iowa, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River, at or near Tenth Street in Bettendorf, State of Iowa."

A motion to reconsider was laid on the table.

#### ADJOURNMENT

Mr. TILSON. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 1 minute p. m.) the House adjourned until to-morrow, Wednesday, May 9, 1928, at 12 o'clock noon.

#### COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, May 9, 1928, as reported to the floor leader by clerks of the several committees:

##### COMMITTEE ON WORLD WAR VETERANS' LEGISLATION

(10 a. m.)

To consider various bills on the committee calendar.

##### COMMITTEE ON THE JUDICIARY

(10 a. m.)

To amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity (H. R. 7759).

##### COMMITTEE ON AGRICULTURE

(10 a. m.)

To amend the packers and stockyards act, 1921 (H. R. 13596).

##### COMMITTEE ON BANKING AND CURRENCY

(10.30 a. m.)

To amend the act approved December 23, 1913, known as the Federal reserve act; to define certain policies toward which the powers of the Federal reserve system shall be directed; to further promote the maintenance of a stable gold standard; to promote the stability of commerce, industry, agriculture, and employment; to assist in realizing a more stable purchasing power of the dollar (H. R. 11806).

##### COMMITTEE ON RIVERS AND HARBORS

(10 a. m.)

To consider a report from the Chief of the Army Engineers on the proposal to deepen the Great Lakes channel.

##### COMMITTEE ON THE LIBRARY

(10.30 a. m.)

To provide a medal of honor and awards to Government employees for distinguished work in science (H. R. 424).

To authorize the Board of Regents of the Smithsonian Institution to make recommendations regarding conspicuous service (H. R. 13036).

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

489. A letter from the Secretary of War, transmitting lists of certain records in the offices of the Secretary of War, Quartermaster General, Surgeon General, and director of civilian marksmanship, which the department wishes to destroy under the terms of the Executive order of March 16, 1912 (No. 1499); to the Committee on the Disposition of Useless Executive Papers.

490. A communication from the President of the United States, transmitting deficiency estimate of appropriation for the Post Office Department for the fiscal year 1927, for the payment of personal or property damage claims in accordance with the act approved June 16, 1921, \$1,000 (H. Doc. No. 266); to the Committee on Appropriations and ordered to be printed.

491. A communication from the President of the United States, transmitting supplemental estimates of appropriations for the War Department for the fiscal years ending June 30, 1928 and 1929, amounting in all to \$215,878; also a draft of proposed legislation affecting an existing appropriation of the War Department (H. Doc. No. 267); to the Committee on Appropriations and ordered to be printed.

492. A letter from the chairman of the Federal Power Commission, transmitting, in accordance with the provisions of the act (Public, No. 100, 70th Cong.), information that the commission has investigated the proposed development of hydroelectric power at the Coolidge Dam and the compensation that is to be paid to the Apache Indians of the San Carlos Reservation for the use of their lands in connection with the Coolidge Dam project; to the Committee on Indian Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 9054. A bill to amend section 118 of the Judicial Code to provide for the appointment of law clerks to the United States circuit judges; without amendment (Rept. No. 1561). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 56. A bill to authorize the Postmaster General to issue receipts to senders for ordinary mail of any character, domestic or international, and to fix the fees chargeable therefor; with amendment (Rept. No. 1563). Referred to the Committee of the Whole House on the state of the Union.

Mr. KELLY: Committee on the Post Office and Post Roads. H. R. 5837. A bill to increase the salaries of certain postmasters of the first class; without amendment (Rept. No. 1564). Referred to the Committee of the Whole House on the state of the Union.

Mr. GRAHAM: Committee on the Judiciary. H. R. 9343. A bill to provide for dispensing with oath or affirmation as a method of verifying certain written instruments; with amendment (Rept. No. 1566). Referred to the House Calendar.

Mr. LEA: Committee on Interstate and Foreign Commerce. H. R. 13071. A bill to amend section 8 of the food and drugs act, approved June 30, 1906, as amended; without amendment (Rept. No. 1570). Referred to the House Calendar.

## REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. GRAHAM: Committee on the Judiciary. H. R. 11859. A bill for the relief of B. C. Miller; with amendment (Rept. No. 1562). Referred to the Committee of the Whole House.

Mr. COCHRAN of Pennsylvania: Committee on Claims. H. R. 7236. A bill for the relief of James M. Long; without amendment (Rept. No. 1568). Referred to the Committee of the Whole House.

Mr. STEELE: Committee on Claims. H. R. 12117. A bill for the relief of Samuel F. Tait; with amendment (Rept. No. 1569). Referred to the Committee of the Whole House.

## CHANGE OF REFERENCE

Under clause 2 of Rule XXII the Committee on Pensions was discharged from the consideration of the bill (H. R. 13551) granting a pension to Myzella Rowe, and the same was referred to the Committee on Invalid Pensions.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HALE: A bill (H. R. 13614) to equalize the pay and allowances of officers of the Navy and Marine Corps on sea duty; to the Committee on Naval Affairs.

By Mr. HAUGEN: A bill (H. R. 13615) to authorize arrests in certain cases and to protect employees of the Department of Agriculture in the execution of their duties; to the Committee on Agriculture.

By Mr. McKEOWN: A bill (H. R. 13616) authorizing an appropriation for cooperating with States granting old age and disabled persons pensions, and for other purposes; to the Committee on the Judiciary.

By Mr. SMITH: A bill (H. R. 13617) to amend section 177 of the Judicial Code; to the Committee on the Judiciary.

By Mr. WILLIAMSON: A bill (H. R. 13618) to establish the Teton National Park in the State of South Dakota, and for other purposes; to the Committee on the Public Lands.

By Mr. DOUGLAS of Arizona: A bill (H. R. 13619) authorizing the Secretary of the Interior to dispose of two bridges on the San Carlos Indian Reservation in Arizona, and for other purposes; to the Committee on Indian Affairs.

By Mr. COLE of Maryland: A bill (H. R. 13620) authorizing Elmer J. Cook, his heirs, legal representatives, and assigns, to construct, maintain and operate a bridge across Bear Creek at or near Lovel Point, Baltimore County, Md., and a point opposite in Baltimore County, Md.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROY G. FITZGERALD: A bill (H. R. 13621) to authorize preparation and publication of supplements to the Code of Laws of the United States with perfecting amendments; printing of bills to codify the laws relating to the District of Columbia and of such code and of supplements thereto, and for distribution; to the Committee on Revision of the Laws.

Also, a bill (H. R. 13622) to amend and supplement the Code of the Laws of the United States of America; to the Committee on Revision of the Laws.

By Mr. SMITH: A bill (H. R. 13623) to authorize the improvement of the Ice Caves near Shoshone, Idaho; to the Committee on the Public Lands.

Also, a bill (H. R. 13624) to authorize the building of roads and making improvements in the craters of the Moon National Monument in Idaho; to the Committee on the Public Lands.

By Mrs. ROGERS: A bill (H. R. 13625) to amend the act (Public, No. 135, 68th Cong.) approved May 24, 1924, entitled "An act for the reorganization and improvement of the Foreign Service of the United States, and for other purposes"; to the Committee on Foreign Affairs.

Also, joint resolution (H. J. Res. 299) to provide for the printing of the names of and other information relating to members of the military and naval forces who died during the World War; to the Committee on Printing.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 13626) granting an increase of pension to Catherine J. Shindedecker; to the Committee on Invalid Pensions.

By Mr. BELL: A bill (H. R. 13627) for the relief of Anthony Stewart; to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 13628) granting a pension to Daniel B. Fitzpatrick; to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 13629) granting an increase of pension to Catherine D. Hyland; to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 13630) authorizing the President to order Clive A. Wray before a retiring board for a hearing of his case and upon the findings of such board determine whether or not he be placed on the retired list with the rank and pay held by him at the time of his discharge; to the Committee on Military Affairs.

By Mr. FREE: A bill (H. R. 13631) granting an increase of pension to Gertrude Williams; to the Committee on Invalid Pensions.

By Mr. FROTHINGHAM: A bill (H. R. 13632) for the relief of Ruth B. Lincoln; to the Committee on Claims.

By Mr. GREEN: A bill (H. R. 13633) for the relief of Martin G. Schenck, alias Martin G. Schanck; to the Committee on Military Affairs.

By Mr. MILLIGAN: A bill (H. R. 13634) granting an increase of pension to Sylfinia Bryan; to the Committee on Invalid Pensions.

By Mr. QUAYLE: A bill (H. R. 13635) for the relief of E. A. McCormack; to the Committee on Claims.

By Mr. SABATH: A bill (H. R. 13636) for the relief of William Chinsky; to the Committee on Claims.

Also, a bill (H. R. 13637) for the relief of the John F. Lalla Co.; to the Committee on Claims.

Also, a bill (H. R. 13638) for the relief of Weymouth Kirkland and Robert N. Golding; to the Committee on Claims.

Also, a bill (H. R. 13639) for the relief of Habel, Armbruster & Larsen Co.; to the Committee on Claims.

Also, a bill (H. R. 13640) for the relief of Olaf Nelson; to the Committee on Claims.

By Mr. SPEAKS: A bill (H. R. 13641) granting an increase of pension to Helen McCartney; to the Committee on Invalid Pensions.

By Mr. THURSTON: A bill (H. R. 13642) granting an increase of pension to Sarah A. Cole; to the Committee on Invalid Pensions.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

7459. By Mr. BOYLAN: Resolution adopted by executive council of the American Federation of Labor, favoring better housing conditions for the Army; to the Committee on Military Affairs.

7460. By Mr. CHINDBLOM: Memorial of the city council of the city of Chicago, in the matter of a proposed amendment to subdivision (d) of section 116 of House bill 1, "An act to reduce and equalize taxation, provide revenue, and for other purposes," relative to the tax on incomes of public utilities, resulting in the diminution of returns or profits to any State, Territory, the District of Columbia, or any political subdivision of a State or Territory; to the Committee on Ways and Means.

7461. By Mr. COCHRAN of Pennsylvania: Petition of Mrs. Ted Jones, of Clarendon, and other residents of Warren County, Pa., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

7462. Also, petition of Mrs. M. L. Nollinger, rural route 2, Warren, and other residents of Warren County, Pa., protesting against the passage of House bill 78; to the Committee on the District of Columbia.

7463. By Mr. CRAIL: Petition of approximately 1,000 citizens of Los Angeles County, Calif., favoring the national flood control bill; to the Committee on Flood Control.

7464. By Mr. ESTEP: Resolutions of the Engineers' Council of the Pittsburgh Chamber of Commerce, through their secretary, A. V. Snell, offering resolutions concerning Senate bills 3434 and 3740; to the Committee on Flood Control.

7465. By Mr. GARBNER: Petition of Soldiers Tubercular Sanatorium, Sulphur, Okla., in support of Senate bill 777, without amendment; to the Committee on World War Veterans' Legislation.

7466. Also, petition of Rev. George N. Carlson, Oklahoma City, Okla., in support of Senate bill 777, without amendment; to the Committee on World War Veterans' Legislation.

7467. Also, petition of residents of Major County, Ringwood, Okla., in support of the Sproul bill (H. R. 11410) to amend the national prohibition act; to the Committee on the Judiciary.

7468. Also, petition of Eugene Whittington & Co., of Oklahoma City, Okla., in opposition to the bill amending the law of subdivision 1, section 41, title 28, of the Judicial Code; to the Committee on the Judiciary.

7469. Also, petition of Ed S. Roberts, Avard, Okla., in opposition to Oddie bill (S. 1752); to the Committee on the Post Office and Post Roads.



7470. Also, petition of Hubert R. Pentecost, American National Red Cross, United States Veterans' Hospital No. 80, Fort Lyon, Colo., in support of Senate bill 777, without amendment; to the Committee on World War Veterans' Legislation.

7471. Also, petition of Brady P. Gentry, Fitzsimons General Hospital, Denver, Colo., in support of House bill 500 and Senate bill 777; to the Committee on World War Veterans' Legislation.

7472. Also, petition of George McAneny, president National Civil Service Reform League of New York City, N. Y., in opposition to House bill 393; to the Committee on the Census.

7473. By Mr. GRAHAM: Petition of sundry citizens of Philadelphia, Pa., favoring the passage of House bill 13143; to the Committee on Ways and Means.

7474. By Mr. GREGORY: Petition of Kittie G. Sunderland and others, urging that immediate steps be taken to bring to a vote a Civil War pension bill for veterans and widows of veterans; to the Committee on Invalid Pensions.

7475. Also, petition of Carrie Palmer and others, urging that immediate steps be taken to bring to a vote a Civil War pension bill for veterans and widows of veterans; to the Committee on Invalid Pensions.

7476. Also, petition of Ozzie Vandergriff and other citizens of Paducah, Ky., protesting against the passage of House bill 78 and other Sunday legislation; to the Committee on the District of Columbia.

7477. By Mr. HAWLEY: Petition of residents of Marion County, Oreg., to increase the pensions of Civil War veterans and their dependents; to the Committee on Invalid Pensions.

7478. By Mr. HICKEY: Petition of Frances C. Hedger and other residents of South Bend, Ind., urging passage of the MacGregor resolution (H. J. Res. 234); to the Committee on Immigration and Naturalization.

7479. Also, petition of Jennie H. Bhymer, of Westville, Ind., urging passage of a bill increasing the pensions of Civil War veterans and widows of veterans; to the Committee on Invalid Pensions.

7480. By Mr. HUDSON: Petition of citizens of Oakland County, Mich., urging the enactment of House bill 11, known as the fair trade act; to the Committee on Interstate and Foreign Commerce.

7481. By Mr. IRWIN: Memorial of the city council of the city of Chicago, Ill., urging Congress to amend subdivision (d) of section 116 of the pending tax bill of 1928 (H. R. 1) to exempt from payment of the income tax those portions of the revenue of public utilities which the utility companies are, or in the future may be, under contract to pay to the municipalities in which they operate; to the Committee on Ways and Means.

7482. By Mr. KINDRED: Petition of the Rainbow Division, Veterans of New York, indorsing the Tyson-Fitzgerald bill for the retirement of disabled emergency officers, and urging Congress for early and favorable enactment of this bill without amendment; to the Committee on World War Veterans' Legislation.

7483. By Mr. McREYNOLDS: Petition from the voters of Hamilton County, Tenn., urging that immediate steps be taken to bring to a vote a Civil War pension bill carrying the rates proposed by the National Tribune; to the Committee on Invalid Pensions.

7484. By Mr. McSWEENEY: Evidence in support of House bill 13607, granting a pension to Regina W. Smith; to the Committee on Invalid Pensions.

7485. By Mr. MILLER: Petition of citizens of Seattle, Wash., opposing the District of Columbia Sunday observance bill; to the Committee on the District of Columbia.

7486. Also, petition of citizens of Kitsap County, Wash., indorsing legislation for Civil War veterans' and widows' increases in pensions; to the Committee on Invalid Pensions.

7487. By Mr. O'CONNELL: Petition of Hon. William M. Calder, former Senator of New York, favoring the passage of the Wainwright-McSwain bill (H. R. 13509), for the revision of promotion list and promotion on length of service; to the Committee on Military Affairs.

7488. Also, petition of the Aviators Post No. 743, American Legion, New York City, favoring the passage of the Tyson bill (S. 777) without amendments; to the Committee on World War Veterans' Legislation.

7489. Also, petition of V. F. Owens, inspector of customs; John Rowan; and Vincent Kane, of New York City, favoring the passage of the Bacharach bill (H. R. 13143); to the Committee on Ways and Means.

7490. Also, petition of Powers & Mayer (Inc.), New York City, favoring the passage of the Boulder Dam legislation; to the Committee on Irrigation and Reclamation.

7491. Also, petition of the National Civil Service Reform League, New York City, opposing the passage of House bill 393,

to provide for the fifteenth and subsequent decennial censuses; to the Committee on the Census.

7492. Also, petition of the Chamber of Commerce of the United States of America, opposing certain provisions of the pending legislation in regard to Muscle Shoals; to the Committee on Military Affairs.

7493. By Mr. QUAYLE: Petition of the Disabled American Veterans of the World War, Department of California (Inc.), favoring the passage of the Tyson bill (S. 777); to the Committee on World War Veterans' Legislation.

7494. Also, petition of the American Legion, Department of New York, New York City, favoring the passage of House bill 12023, for the relief of chief warrant officers; to the Committee on Naval Affairs.

7495. Also, petition of Aviators Post, No. 743, American Legion, of New York, favoring the passage of the Tyson bill (S. 777); to the Committee on World War Veterans' Legislation.

7496. Also, petition of National Civil Service Reform League, of New York City, opposing the passage of House bill 393, to provide for the fifteenth and subsequent decennial censuses; the blanket exemption from the provisions of the civil service law for all special agents, supervisors, supervisor's clerks, enumerators, and interpreters which appear in lines 16 and 17 on page 3 of this bill should be stricken out; to the Committee on the Census.

7497. Also, petition of the Colorado River Commission of Arizona, Phoenix, Ariz., with reference to the Boulder Dam bill (H. R. 5773); to the Committee on Irrigation and Reclamation.

7498. Also, petition of Powers & Mayer (Inc.), of New York City, favoring the passage of the Boulder Dam bill; to the Committee on Irrigation and Reclamation.

7499. Also, petition of the National Fertilizer Association, Washington, D. C., opposing the pending House substitute for the Norris Muscle Shoals resolution (S. J. Res. 46), particularly paragraph C of section 20, for which a special rule is now being sought; to the Committee on Foreign Affairs.

7500. Also, petition of the Ithaca Gun Factory, Ithaca, N. Y., favoring the passage of the Tyson-Fitzgerald bill (S. 777) without amendment; to the Committee on World War Veterans' Legislation.

7501. By Mr. SMITH: Petition by the Central Baptist Association of South-Central Idaho, for the enactment of House bill 11410, to amend the national prohibition act; to the Committee on the Judiciary.

7502. By Mr. SPEARING: Petition of Charles O. Chalmers and other citizens of New Orleans, for the passage of the Sproul bill (H. R. 11410); to the Committee on the Judiciary.

7503. By Mr. TILSON: Petition of Antoinette M. Reiman and other residents of Meriden, Conn., urging the passage of legislation providing increased pensions for Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

7504. Also, petition of Antoinette M. Reiman and other residents of Meriden, Conn., urging the passage of legislation providing increased pensions for Civil War soldiers and their dependents; to the Committee on Invalid Pensions.

## SENATE

WEDNESDAY, May 9, 1928

(Legislative day of Thursday, May 3, 1928)

The Senate reassembled at 12 o'clock meridian, on the expiration of the recess.

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Dale	Hawes	Norris
Barkley	Deneen	Hayden	Nye
Bayard	Dill	Heflin	Oddie
Bingham	Edge	Howell	Overman
Black	Fess	Johnson	Phipps
Blaine	Fletcher	Jones	Pine
Blease	Frazier	Kendrick	Pittman
Borah	George	Keyes	Ransdell
Bratton	Gerry	King	Reed, Mo.
Brookhart	Gillett	La Follette	Reed, Pa.
Bronssard	Glass	McLean	Sackett
Bruce	Goff	McMaster	Schall
Capper	Gooding	McNary	Sheppard
Caraway	Gould	Mayfield	Shipstead
Copeland	Greene	Metcalf	Shortridge
Couzens	Hale	Moses	Simmons
Curtis	Harris	Neely	Smith
Cutting	Harrison	Norbeck	Smoot